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**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**AGRICULTURAL ADJUSTMENT ADMINISTRATION**  
**SOUTHERN DIVISION**

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# **ALABAMA HANDBOOK**

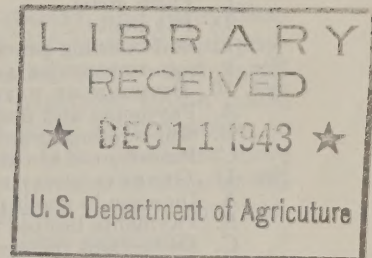
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## **1940 Agricultural Conservation Program**

**Program effective from January 1, 1940  
to November 30, 1940**

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*Issued January 1940*



**UNITED STATES**  
**GOVERNMENT PRINTING OFFICE**  
**WASHINGTON : 1940**

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## **ALABAMA HANDBOOK**

### **1940 Agricultural Conservation Program**

#### **FOREWORD**

The 1940 Agricultural Conservation Program in Alabama is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

## INTRODUCTION

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Alabama in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 11 B) are applicable only to farms in Alabama but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies.

### Section 1. COTTON

**A. Farm Allotments.** The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco and wheat, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for **all** farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.** The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. PEANUTS

**A. Farm Allotments.** In counties designated in subsection E as commercial peanut counties, the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for each farm having a peanut allotment. The normal yield shall be determined on the basis of the yields of peanuts made on the farm, with due consideration for type of soil, production practices, and general fertility of the land. The average yield for **all** farms in any county shall not exceed the average yield of peanuts established for the county.

**C. Payments.** The payment is  **$12\frac{1}{2}$  cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.50** for each 100 pounds of the normal yield of the excess acreage.

**D. Peanuts for Market** means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical

means and from which the principal part of the production is sold to persons not living on the farm.

**E. Commercial Peanut Area** means the following counties:

Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dallas, Dale, Elmore, Escambia, Geneva, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Monroe, Montgomery, Perry, Pike, Russell, Sumter, and Wilcox.

### Section 3. COMMERCIAL VEGETABLES

**A. Farm Allotments.** In Baldwin, Blount, Cullman, Houston, Jefferson, Mobile, and St. Clair counties, designated as commercial vegetable counties, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-37 average acreage or the average of a later period adjusted to the 1936-37 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.** The payment is \$1.50 for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of \$20 for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial Vegetables** means the acreage of annual vegetables or truck crops (including potatoes in Blount, Cullman, Houston, Jefferson, Mobile, and St. Clair counties; sweetpotatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

### Section 4. IRISH POTATOES

**A. Farm Allotments.** In Baldwin and Escambia counties, designated as commercial potato counties, the county committee, with the assistance of other local committees, shall determine a potato allotment for each farm for which the normal acreage of potatoes for market is determined to be 3 acres or more. Allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors. The potato allotments determined for farms in a county shall not exceed their proportionate share of the county potato allotment.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment or for which a deduction is computed. The normal yield shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in the county shall not exceed the normal yield established for the county.

**C. Payments.** The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment. For farms in the counties listed in subsection A, there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the larger of the allotment or 3 acres.

#### Section 5. TOBACCO

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine an acreage allotment for flue-cured or Burley tobacco for any farm on which such kind of tobacco was produced in one or more of the 5 years 1935-1939 on the basis of past acreage of such kind of tobacco (harvested and diverted), with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-1939 shall be determined on the basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(3) The weighted average of the normal yields for **all** farms in each county shall not exceed the normal yield for the county.

**C. Payments.** The payment is **1 cent** in case of flue-cured and Burley for each pound of the normal yield for each acre in the tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of **8 cents** for each pound of the normal yield of the excess acreage.

#### Section 6. WHEAT

**A. Farm Allotments.** (1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which more than 10 acres of wheat are planted for harvest and on which wheat was planted for harvest in one or more of the years

1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

**B. Usual Acreages.** Usual acreages of wheat shall be determined for all non-wheat-allotment farms and for farms on which the normal acreage of wheat harvested as grain or for any purpose after reaching maturity is more than 10 acres. The usual acreage shall be determined on the basis of the past acreage, with due allowance for abnormal weather conditions, tillable acreage, crop-rotation practices, type of soil, and topography.

**C. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a usual wheat acreage in excess of 10 acres or for which a deduction is computed.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county will not exceed the normal yield established for the county.

**D. Payments.** For a wheat-allotment farm, the payment is **9 cents** for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the usual acreage or 10 acres.

**E. Non-Wheat-Allotment Farm** means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the wheat allotment is mailed to the

operator, to have such farm considered as a non-allotment farm, or (2) a farm for which no wheat allotment is determined.

**F. Acreage Planted to Wheat** (for wheat-allotment farms) means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of oats, rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1940; and (3) any acreage seeded to a mixture designated under (1) above and the wheat matures but the other crops fail to mature.

#### Section 7. TOTAL SOIL-DEPLETING CROPS

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

**B. Deductions.** For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed or (2) the acreages on which cotton is planted or tobacco is harvested plus 20 acres.

#### Section 8. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National Goal.** The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County Goals.** Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

**C. Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The

county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.** The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of the allotments for special crops (other than commercial vegetables) for which payments are computed;

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 15, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance.

**E. Soil-Building Practices.** The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940, to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

#### Application of Materials

1. Application of (a) 100 pounds of triple superphosphate or 300 pounds of 16 percent superphosphate (or its equivalent), (b) 500 pounds of basic slag, or (c) 750 pounds of rock or colloidal phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture—**One unit (\$1.50)**.

**SPECIFICATIONS:** The material must be applied evenly over the area on which application is made. In the case of lespedeza seeded alone, winter legumes, and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. The crops to which the material is applied

must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with a soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve.

2. Application of 1,000 pounds of ground limestone or its equivalent—**One unit (\$1.50).**

**SPECIFICATIONS:** The limestone must be 90 percent or more calcium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

- 1,000 pounds of burned limestone
- 1,400 pounds of hydrated lime
- 2,000 pounds of ground oyster shells
- 2,750 pounds of limestone screenings
- 3,000 pounds of calcium silicate slag
- 4,000 pounds of Selma chalk
- 3,000 pounds of Ocala limestone
- 2,000 pounds of pulp mill waste lime

The above material must be of sufficient fineness so that 100 percent of the material will pass through a 10-mesh sieve, and 50 percent through a 100-mesh sieve, except that only 50 percent of the calcium silicate slag must pass through a 40-mesh sieve.

#### Seedings

3. Establishment of a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

**SPECIFICATIONS:** A minimum of 500 crowns or 1,000 seedlings per acre must be planted on well-prepared land during the dormant season. There must be a survival of at least 300 crowns or 500 seedlings per acre showing healthy growth.

4. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** (a) Alfalfa must be planted on land in high state of productivity. Land must be harrowed or disked throughout summer sufficiently to destroy weeds and grass and to form a good seedbed.

(b) At least 25 pounds of Kansas common non-irrigated seed must be sown per acre as soon after August 15 as sufficient moisture is in the soil and before October 15. Seed must be inoculated.

(c) Each acre must be fertilized as follows:

(1) In Black Belt on Sumter soils, 375 pounds of 16 percent superphosphate and 50 pounds of muriate of potash must be applied at time of planting.

(2) Out of Black Belt, not less than 3 tons of ground limestone must be applied several months before planting in addition to 1 ton of 16 percent superphosphate at planting time.

5. Seeding winter legumes—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** The seedings must be at not less than the following rates per acre:

- Austrian winter peas—30 pounds
- Oregon vetch—30 pounds
- Hairy, Monantha, and Hungarian vetch—20 pounds
- Clean crimson clover—15 pounds
- Chaffy crimson clover and bur-clover in the bur—50 pounds

On land that has not grown a good crop of the particular winter legume, the seed must be inoculated. Winter legumes shall be fertilized with at least 300 pounds of 16 percent superphosphate or 500 pounds of basic slag per acre, unless the land has been well-fertilized for the previous crop. In fields where it is known that there is a deficiency of lime, lime must be applied.

6. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

**SPECIFICATIONS:** Annual lespedeza must be seeded at not less than 25 pounds per acre, and lespedeza sericea at not less than 30 pounds per acre. At least a 75 percent stand of lespedeza must be growing at the time performance is checked.

7. Seeding annual or biennial sweetclover and specified biennial or perennial legumes or perennial grasses—**One-half unit (75 cents) an acre.**

**SPECIFICATIONS:** Crops that will qualify and minimum seeding rates per acre are as follows:

Annual or biennial sweetclover—20 pounds  
 Alsike clover—10 pounds  
 White Dutch clover—10 pounds  
 Orchard grass—20 pounds  
 Kentucky bluegrass—10 pounds  
 Dallis grass—10 pounds

If home-grown seed is used, the above amounts shall be doubled. Dallis grass seeded alone will qualify under this practice, but when seeded in a pasture mixture at a full rate of seeding, as provided under practice 8, it will qualify at a higher rate of credit under practice 8.

#### Pasture

8. Seeding a permanent pasture mixture containing a full seeding of Dallis grass—**Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) **Preparation.**—The acreage which is to be established in a permanent pasture shall have the native grasses, weeds, bushes, or other vegetation removed. All the top soil must be stirred by breaking or double harrowing, or its equivalent, to prepare a seedbed. The seedbed shall be firm before the seed is sown.

(b) One of the following mixtures must be used:

#### Standard Seeding:

##### For South Alabama

10 pounds Dallis grass  
 10 pounds common lespedeza  
 4 pounds White Dutch clover

##### For Central and North Alabama<sup>1</sup>

10 pounds Dallis grass  
 10 pounds common lespedeza  
 4 pounds White Dutch clover  
 10 pounds orchard grass  
 10 pounds Kentucky bluegrass

##### On the lime lands of the Black Belt

10 pounds Dallis grass  
 10 pounds black medic  
 4 pounds White Dutch clover

If home-grown seed is used, double the above amounts shall be applied, except that in the case of Dallis grass, home-grown seed shall be sown at 4 times the above rate.

9. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—**10 pounds of seed, one unit (\$1.50).**

**SPECIFICATIONS:** The following grasses and legumes seeded in mixtures shall be used: Dallis grass, Kentucky bluegrass, orchard grass, White Dutch clover, yellow hop clover, (black medic on lime lands only), and common lespedeza. For mixtures of the above grasses or legumes, those approved under practice 8 shall be used for various sections of the State, varied according to the needs of the individual farm. Land to be reseeded shall have a specially prepared seedbed by breaking, disking, or the equivalent.

Producers shall supply sales receipts for the kind and quantity of grass and legume seed used, and such receipts shall be required to support the performance records.

10. Contour listing or furrowing non-crop pasture land—**Four acres, one unit (\$1.50).**

**SPECIFICATIONS:** Furrows shall not be less than 8 inches wide, and 4 inches deep, and not more than 6 feet apart, and must follow guide lines established

<sup>1</sup> On Sand Mountain, 2 to 5 pounds of redtop seed may be added.

with a standard farm level or surveyor's instrument. The guide lines must be established at not to exceed twice the terrace interval specified in practice 11.

### Erosion Control

11. Construction of 200 linear feet of standard terrace for which proper outlets are provided—**One unit (\$1.50).**

[Alabama Extension Circular No. 165 explains in greater detail all points mentioned in this terrace specification. A copy may be obtained free from any Alabama county agent.]

**SPECIFICATIONS:** (a) Terraces on 12 percent slopes will be 44 feet apart, and on 3 percent slopes 100 feet apart, etc. 140 feet is the maximum spacing between terraces on land with a slope of less than 3 percent.

(b) The maximum fall on a 1300 foot terrace on a 12 percent slope will be 3 inches per 100 feet on sandy soils, and 5 inches per 100 feet on clay soils. Terraces which show excessive erosion in the channel will not qualify.

(c) The width of terraces will vary according to the slope of the land. Terraces, to have sufficient capacity for recommended spacing, must have a minimum width of 15 feet on a 12 percent slope. This width is measured from the edge of the bank on the lower side to the upper edge of terrace channel. On the flatter lands, for instance, a 2 percent grade, a width of 20 feet will be required.

The capacity of terrace shall be determined by measuring a cross section of channel. A cross section of 6 square feet is necessary, which means that a terrace channel on a 16 foot terrace shall not be more than 11 feet wide; therefore, the channel must be 14 inches deep; a 12 foot channel 12 inches deep; and a 15 foot channel 10 inches deep. Other grades between these will fall somewhere in the range and the narrower the channel the greater the required depth. These measurements shall be taken in the weaker part of the terrace where there is heavy strain. From 4 to 6 inches height on the ridge above the line of measurement is necessary as a safety factor for settling where terraces are newly constructed.

(d) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

12. Stripcropping with alternate strips of close-grown crops and intertilled crops—**Four acres, one unit (\$1.50).**

**SPECIFICATIONS:** Stripcropping shall conform to the following:

(a) All strip planting shall be sown broadcast or cover the land uniformly.

(b) The width of the strips of erosion-resisting crops shall be not less than the horizontal spacing specified for terraces in practice 11.

(c) These strips shall occupy a minimum of 50 percent of the land protected, and the strips shall be planted on full terrace intervals.

(d) The erosion-resisting strips devoted to summer-growing crops shall not be broken until the following spring, unless—

(i) A winter erosion-resisting crop is sown at the time of breaking, or

(ii) a winter erosion-resisting crop is sown on the interval between strips at the time of fall breaking.

(e) Summer crops approved for stripcropping shall be soybeans, cowpeas, sorghums, lespedeza, and crotalaria. Approved crops for winter stripcropping shall be winter peas, vetch, crimson and bur clover, and small grains.

### Green Manure and Cover Crops

13. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—**One-half unit (75 cents) an acre.**
- (b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** Credit will **not** be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately  $\frac{2}{3}$  ton per acre of air-dry legumes and winter-growing non-legumes, and approximately  $1\frac{1}{2}$  tons per acre of air-dry summer-growing non-legumes.

**14. Cowpeas, velvetbeans, crotalaria, or soybeans interplanted or grown in combination with soil-depleting crops—Four acres, one unit (\$1.50).**

**SPECIFICATIONS:** A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans, the seed removed by mechanical means. A good growth means approximately  $\frac{1}{2}$  ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

### Forestry

**15. Planting forest trees—Five units (\$7.50) an acre.**

**SPECIFICATIONS:** (a) **Time of planting**—Planting to be done during the dormant season.

(b) **Kinds of trees**—Tree species to include any of the following kinds: Loblolly, longleaf, slash, and shortleaf pines, red cedar, black locust, yellow poplar, white and green ashes, red and white oaks, to be planted either in pure or mixed stands. Seedlings (or transplants) to be mostly one year old up to three years old.

(c) **Number and spacing**—1,000 trees per acre must be planted of shortleaf or loblolly pines, red cedar, or black locust, and 700 per acre of slash or longleaf pines or of hardwood species. This requires spacings of about 6 by 7 feet apart for the shortleaf and loblolly, and 8 by 8 feet apart for the other pines and hardwoods.

(d) **Method of planting**—For planting black locust and other hardwoods, the ground must be flat-broken or wide-bedded with plow at least 2 months in advance of planting. For pines no preparation is required. Ample holes must be dug to take all roots without curling main taproot, with the dirt drawn into hole and thoroughly packed around roots without injury, and the trees set **tight in the ground** in planting.

(e) **Cultivation**—The hardwoods must be cultivated at least once the first growing season.

(f) **Protection**—The plantings must be adequately protected against injury from fire and livestock.

(g) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

**16. Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less than 500 pines or cedars per acre or 350 hardwood trees per acre**, evenly distributed over the area, must be maintained, by replanting if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. All plantings of hardwood species must be fully protected from livestock by the construction of fences, if necessary. Firebreaks must be constructed by plowing or burning on sides adjacent to woodlands or fields having a fire hazard.

### Miscellaneous

**17. Growing of a home garden for a landlord, tenant, or sharecropper per family on a farm—One unit (\$1.50) a garden.**

**SPECIFICATIONS:** (a) A home garden shall consist of any acreage on the farm upon which vegetables are grown for home use either for consumption fresh during the growing season or for canning, drying, or storing.

(b) Good cultural practices shall be followed. The soil must be properly plowed and worked before seeding and must be kept free of weeds and in a good state of cultivation after planting. Proper efforts must be made to control insect pests.

(c) A minimum of eight different vegetables must be grown during the year; at least two fresh vegetables must be available for consumption daily throughout the year.

(d) The total amount of vegetables grown and either used fresh or preserved shall be sufficient to provide a reasonable diet of vegetables.

#### Section 9. SOIL-DEPLETING ACREAGE

(a) **Soil-Depleting Acreage** means the acreage of land devoted during the 1940 crop year<sup>1</sup> to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or pop-corn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose.

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugarcane grown for any purpose.

(6) Peanuts harvested for nuts or dug for hay.

(7) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(8) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(9) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(10) Commercial bulbs and flowers harvested for any purpose.

(11) Small grains:

(a) Wheat on a farm for which a wheat allotment is determined, if considered as planted in accordance with the definition in section 6 F.

(b) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.

(c) Wheat (on a non-wheat allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut, and the small grain is cut not later than the early milk stage, or (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.

(12) Sudan grass or millet harvested for grain or seed.

(13) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the

<sup>1</sup> For commercial vegetables in commercial vegetable counties designated in Section 3a, the 1940 crop year shall include December 1939.

meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, except that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land; provided, that if cotton and peanuts in counties designated in section 2 E as commercial peanut counties are the crops and the peanuts are harvested for nuts, cotton shall be considered to occupy all of the land, and in addition, each row of peanuts shall be considered to occupy a strip of land 2 feet in width;

(2) If commercial vegetables (or potatoes) and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to the crop other than commercial vegetables (or potatoes) for which the special acreage allotment is established; and in addition, all of the land shall be considered as planted to commercial vegetables (or potatoes) if the commercial vegetables (or potatoes) are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables (or potatoes) are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables (or potatoes).

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips

or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

#### Section 10. DIVISION OF PAYMENTS AND DEDUCTIONS

##### A. Payments and Deductions for Acreage Allotments. (1)

The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop, if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop, if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) The deduction for excess total soil-depleting crops shall be made pro rata from the payments computed for special-crop acreage allotments.

**B. Soil-Building Practice Payments.** The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of Net Deductions.** If a net payment is computed for a farm as a whole, but a net deduction is computed for one or

more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

### Section 11. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in Small Payments.** The total payment computed under sections 1 to 10, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**B. Payments Limited to \$10,000.** The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located

in Alabama, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions Incurred on Other Farms.** (1) The net deduction computed for any landlord or tenant under sections 1 to 8, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for Association Expenses.** There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment Restricted to Effectuation of the Purposes of the Program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

**F. Payment Computed and Made Without Regard to Claims.** Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction

of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess Cotton Acreage.** Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that

cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted, if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Materials Furnished to Carry Out Soil-Building Practices.**

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

**Section 12. APPLICATION FOR PAYMENT**

**A. Persons Eligible to File Applications.** An application for payment for a farm may be made by any person who, under the provisions of section 10, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and Manner of Filing Application and Information Required.** Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for Other Farms.** If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons.

Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

#### Section 13. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

#### Section 14. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in

the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, peanut, vegetable, potato, or tobacco acreage allotments.

(10) **General soil-depleting crops or general crops** means all crops listed in section 9 as soil depleting, except wheat, cotton, peanuts, tobacco, potatoes, and commercial vegetables for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

#### Section 15. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

*J. W. Ruggan*

*Director, Southern Division.*

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ALABAMA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Alabama (SRB-401-Ala.) is hereby amended as follows:

Amendment 1

Subsection D of section 2 is amended to read as follows:

"D. Peanuts for Market means all peanuts harvested for nuts on any farm on which any peanuts are separated from the vines by mechanical means and sold to persons not living on the farm."

Amendment 2

Subsection E of section 6 is amended by changing the date in the third line from October 1, 1939 to February 20, 1940.

Amendment 3

The specifications for practice 3 under section 8 E are amended to read as follows:

"SPECIFICATIONS: A minimum of 500 crowns or 1,000 seedlings per acre must be planted on well-prepared land during the dormant season; there must be a survival of at least 300 crowns or 500 seedlings per acre showing healthy growth; provided, that 500 seedlings planted per acre with a survival of 300 will qualify if the seedlings are planted in rows and at least 200 pounds of 16 percent superphosphate or its equivalent (for which credit will not be given



under practice 1) is applied in the furrows, and the seedlings are cultivated in a workmanlike manner throughout the season."

Amendment 4

Practice 8 under section 8 E is amended to read as follows:

"8. Seeding a permanent pasture mixture containing a full seeding of legumes or grasses, or both -- Two units (\$3) an acre.

SPECIFICATIONS: (a) The acreage which is to be established in a permanent pasture shall have the native grasses, weeds, bushes, or other vegetation removed. All the topsoil must be stirred by breaking or double-harrowing, or its equivalent, to prepare a seedbed. The seedbed shall be firm before the seed is sown.

(b) One of the following mixtures must be used:

For South Alabama

10 pounds Dallis grass  
10 pounds annual lespedeza  
4 pounds White Dutch clover

For Central and North Alabama 1/

3 pounds Dallis grass  
10 pounds annual lespedeza  
2 pounds White Dutch clover  
5 pounds orchard grass  
5 pounds Kentucky bluegrass

On the lime lands of the Black Belt

10 pounds Dallis grass  
10 pounds black medic  
4 pounds White Dutch clover

For any area of the State

10 pounds Dallis grass  
10 pounds annual lespedeza  
1 pound White clover

---

1/ On Sand Mountain, 2 to 5 pounds of redtop seed must be added."

If home-grown seed is used, double the above amount shall be applied, except that in the case of Dallis grass, home-grown seed shall be sown at 4 times the above rate.

Amendment 5

Paragraph (b) of the specifications for practice 15 under section 8 E is amended by inserting after the comma following the words "white oaks" in the third line the words "and catalpa" and a comma.

Amendment 6

Section 11 G is amended to read as follows:

"G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or mis-

representation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Amendment 7

Section 11 is amended by adding subsection K, as follows:

"K. Deductions in Case of Erroneous Notice of Acreage Allotment. Notwithstanding the deduction provisions of sections 1 to 7, inclusive, in any case where, through error in a county, or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division.

SRB-401-Ala.  
Supp. 2

Issued December 7, 1940

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ALABAMA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Alabama (SRB-401-Ala.) is hereby further amended as follows:

Section 11 J is revised as follows:

"J. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

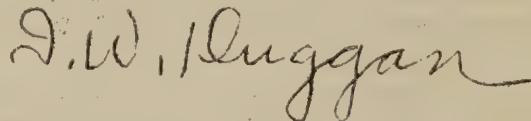
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate

the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 15, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator,

A handwritten signature in cursive script, reading "I. W. Duggan". The signature is written in dark ink and is positioned above the typed name and title.

I. W. Duggan,  
Director, Southern Division.

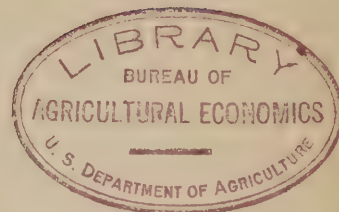
SRB-401-Ala.  
Supplement 3

Issued January 7, 1941.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ALABAMA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Alabama (SRB-401-Ala.) is hereby further amended as follows:

Practice 5 under section 8 E is revised by adding the following sub-practices (a) and (b):

"5(a) Seeding not less than 25 pounds of Austrian winter peas, but less than 30 pounds per acre -- 5/6 unit (\$1.25) an acre.

"5(b) Seeding not less than 20 pounds of Austrian winter peas, but less than 25 pounds per acre -- 2/3 unit (\$1.00) an acre.

"The requirements with reference to inoculation, fertilization, and lime in the original specifications for this practice shall also apply to these new sub-practices."

Issued January 7, 1941, with the approval of the Administrator.

*C. D. Walker*

C. D. Walker,  
Acting Director, Southern Division.



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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ARKANSAS HANDBOOK (A Area)

1940 Agricultural Conservation Program

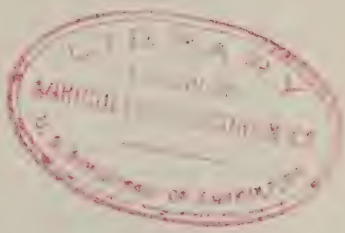
APPLICABLE TO THE FOLLOWING COUNTIES OR AREAS:  
ARKANSAS, BAXTER, BENTON, BOONE, CARROLL, CLAY,  
FULTON, INDEPENDENCE, MADISON, MARION, NEWTON,  
RANDOLPH (EXCEPT AREA I), SEARCY, SHARP, STONE,  
AND WASHINGTON



Program effective from January 1, 1940  
to November 30, 1940



*Issued January 1940*



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## ARKANSAS HANDBOOK (A AREA)

### 1940 Agricultural Conservation Program

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#### FOREWORD

The 1940 Agricultural Conservation Program is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in the A Area of Arkansas in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 9 B) are applicable only to farms in the A Area of Arkansas but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau

## INTRODUCTION

of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies.

## Section 1. COTTON

**A. Farm Allotments.** The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco, wheat, and rice, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.** The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than 1½ inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. WHEAT

**A. Farm Allotments.** (1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which wheat was planted for harvest in one or more of the years 1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

**B. Non-Wheat-Allotment Farm** means a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the allotment is mailed to the operator, to have such farm considered as a non-wheat-allotment farm.

**C. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a wheat allotment and for each non-wheat-allotment farm on which the wheat acreage for harvest in 1940 is in excess of 10 acres.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for

the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for **all** farms in the county will not exceed the normal yield established for the county.

**D. Payments.** For a wheat-allotment farm, the payment is **9 cents** for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the allotment or 10 acres.

**E. Acreage Planted to Wheat** means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of oats, rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which remains on the land after May 1, 1940; and (3) any acreage seeded to a mixture designated under (1) above and the wheat matures but the other crops fail to mature.

### Section 3. RICE

**A. Allotments.** (1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each farm tilled by a producer who is participating in the production of rice in 1940 and who participated in the production of rice in one or more of the 5 years 1935-1939 on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1940, taking into consideration crop-rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned to farms tilled by producers who are participating in the production of rice in 1940 for the first time since January 1, 1935, on the basis of the applicable standards of apportionment set forth in paragraph (1), except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1940 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1935-1939.

**B. Farm Normal Yields.** The State and county committees, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1935-1939, if reliable records of the actual average of such yields are presented by the producer or are available to the committees.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1935-1939 established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields will not exceed the State average yield.

**C. Payments.** The payment is **6.5 cents** for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **65 cents** for each 100 pounds of the normal yield of the excess acres.

#### Section 4. TOBACCO

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine an acreage allotment for Burley tobacco for any farm on which Burley tobacco was produced in one or more of the 5 years 1935-1939 on the basis of past acreage of Burley tobacco (harvested and diverted), with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-1939 shall be determined on the

basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(3) The weighted average of the normal yields for **all** farms in each county shall not exceed the normal yield for the county.

**C. Payments.** The payment is **1 cent** for each pound of the normal yield for each acre in the Burley tobacco allotment. If the acreage of Burley tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of **8 cents** for each pound of the normal yield of the excess acreage.

#### Section 5. TOTAL SOIL-DEPLETING CROPS

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm. The allotment shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

**B. Farm Productivity Indexes.** The county committee, with the assistance of other local committees, shall determine a productivity index for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity. The average productivity index for **all** farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

**C. Payments.** The rate of payment for general-allotment farms is the county rate per acre,<sup>1</sup> adjusted for productivity, for each acre

<sup>1</sup> The average rate of payment per acre for general crops in the United States is \$1.10 per acre and the average rate of deduction is \$8 per acre. The Secretary will establish for each county a rate of payment and deduction per acre.

in the total soil-depleting allotment in excess of the sum of the special crop allotments for which payments are computed. For general-allotment farms, there shall be a deduction at the county rate,<sup>1</sup> adjusted for productivity, for the soil-depleting acreage in excess of the sum of (1) the total allotment and (2) the acreage for which deductions are computed with respect to special crops. For non-general-allotment farms, there shall be a deduction on the above basis for the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage for which deductions are computed with respect to special crops.

**D. Non-General-Allotment Farm** means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect prior to March 31, 1940, to have such farm considered as a non-general-allotment farm.

**E. General Soil-Depleting Crops or General Crops** means (1) all crops listed in the definition of "soil-depleting acreage," except special crops for which a separate payment or deduction is computed for the farm, and (2) wheat on a non-wheat-allotment farm.

#### Section 6. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National Goal.** The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County Goals.** Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

**C. Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.** The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (4), inclusive, of this subsection is less than \$20, the

See footnote 1, p. 6.

maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **55 cents** for each acre of cropland in excess of the total soil-depleting allotment for the farm;

(2) **\$1.50** for each acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) For non-general-allotment farms, the county rate per acre, adjusted for productivity, for each acre in the total allotment in excess of the sum of the special crop allotments for which payments are computed;

(5) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 17, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance.

**E. Soil-Building Practices.** The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940 to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

#### Application of Materials

1. Application of (a) 300 pounds of 16 percent superphosphate (or its equivalent) or (b) 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture—**One unit (\$1.50)**.

**SPECIFICATIONS:** The material must be applied evenly over the area on which application is made. In the case of winter legumes, crotalaria, and annual ryegrass, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. Application must be made to lespedeza in all cases not later than July 15. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with a soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve.

2. Application of 1,500 pounds of ground limestone or its equivalent—**One unit (\$1.50).**

**SPECIFICATIONS:** The limestone must be 90 percent or more calcium carbonate equivalent. If limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium carbonate equivalent to the above. The materials listed below are equivalent to 1 ton of ground limestone:

- 1,000 pounds of burned limestone
- 1,400 pounds of hydrated lime
- 2,000 pounds of ground oyster shells
- 2,750 pounds of limestone screenings

The above materials must be of sufficient fineness so that 100 percent of the material will pass through a 10-mesh sieve; 80 percent through a 20-mesh sieve; 55 percent through a 60-mesh sieve; and 25 percent through a 100-mesh sieve.

3. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land—**One unit (\$1.50).**

**SPECIFICATIONS:** "Equivalent mulching material" is interpreted to mean 1½ tons crotalaria, soybeans, cowpeas, or other hay-dry legumes, or 2 tons leaves. Pine needles and barnyard and stable manure are excluded.

Producers expecting to use this practice shall notify the county committee prior to carrying out of this practice and shall substantiate work done under this practice by such supporting data as are required by the county committee.

#### Seedings

4. Establishment of a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

**SPECIFICATIONS:** At least 500 crowns or 1,000 seedlings of kudzu per acre must be planted after the land has been prepared to a good state of cultivation similar for the planting of other crops. It will be necessary for the kudzu to be cultivated until the ground is covered by the vines. There must be a survival of 300 crowns or 500 seedlings per acre. Phosphate must be applied in connection with establishing kudzu on land deficient in humus and plant food.

5. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** The minimum rate of seeding is 20 pounds per acre and seed must be inoculated. The land must be prepared in accordance with good farming practices in advance of planting time and be maintained in a good state of cultivation until planting date.

6. Seeding winter legumes—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** The crops, minimum seeding rates per acre, and final dates for seeding are as follows:

- Vetch—20 pounds—November 15
- Austrian winter peas—30 pounds—November 15
- Bur-clover (in the bur)—50 pounds—October 15
- Crimson clover—20 pounds—October 1

All clovers, vetches, and Austrian winter peas must be properly inoculated at the time of planting. All land subject to erosion should be seeded on beds on the contour. Phosphate or lime must be applied to winter legumes in fields where there is a known deficiency of these materials.

7. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

**SPECIFICATIONS:** Annual lespedeza must be seeded at not less than 20 pounds per acre, and lespedeza sericea at not less than 30 pounds per acre.

8. Seeding annual ryegrass, annual or biennial sweetclover, specified biennial or perennial legumes, or perennial grasses—**One-half unit (75 cents) an acre.**

**SPECIFICATIONS:** The crops that will qualify and the minimum seeding rates per acre are as follows:

Annual ryegrass—20 pounds  
 Annual sweetclover—20 pounds  
 Biennial sweetclover—20 pounds  
 Alsike clover—10 pounds  
 White Dutch clover—6 pounds  
 Bermuda grass—5 pounds (hulled seed)  
 Carpet grass—15 pounds  
 Dallis grass—10 pounds for adapted imported seed or 15 pounds for domestic seed  
 Orchard grass (where adapted)—20 pounds  
 Rescue grass—14 pounds

In instances where home-grown seed is used, the amount of seed must be materially increased to compensate for certified seed. These crops must be planted on adapted soils. Alsike and White Dutch clover must be planted only on neutral or slightly acid soils. Biennial sweetclover must be seeded on lime soils or where sufficient lime has been added to warrant good growth. Carpet grass is best-suited to creek bottoms in the southern part of the State; Dallis grass is adapted to the better soils in most all sections of the State, while orchard and rescue grass only in the central and northern parts of the State. Dallis grass, carpet grass, and Bermuda grass seeded alone will qualify under this practice, but when seeded at a full seeding rate in a pasture mixture, as provided in practice 10, they will qualify at a higher rate of credit under practice 10. No credit will be given for carrying out this practice in 1940 on land on which practice 9 or 10 is carried out in 1940.

### Pasture

#### 9. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses—**Two units (\$3) an acre.**

**SPECIFICATIONS:** Establishing of permanent vegetative cover under this practice is to be done on cropland or non-cropland. Land to be sodded must be prepared as for seeding a permanent pasture, and the sodding must be done either in contour furrows not more than 3 feet apart and 3 feet in the furrow, with special precautions to provide a furrow deep enough and wide enough to provide for good lodging of the sod and adequate covering, or by broadcasting sod pieces on the land that has been disked or broken, and be followed by plowing to properly cover the sod pieces.

#### 10. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, or carpet grass—**Two units (\$3) an acre.**

**SPECIFICATIONS:** The establishment of a permanent pasture by seeding one of the following mixtures of perennial grasses and clovers per acre:

(a) The following mixture will be acceptable in all parts of the State:

Bermuda grass—5 pounds (hulled seed)

Lespedeza—8 pounds

Hop clover—3 pounds

White Dutch clover—3 pounds

or bur-clover—15 pounds in bur seeded with 15 bushels manure

(b) The following mixture is suitable to creek bottom sandy loam soils of the southern part of the State:

Carpet grass—10 pounds

Lespedeza—8 pounds

Hop clover—3 pounds

White Dutch clover—3 pounds

or bur-clover—15 pounds in bur seeded with 15 bushels manure

(c) The following mixture is suitable and acceptable to most of the upland and medium fertile soils throughout the State:

Bermuda grass—3 pounds (hulled seed)

Dallis grass—5 pounds

Lespedeza—8 pounds

Hop clover—3 pounds

White Dutch clover—3 pounds

or bur-clover—15 pounds in bur seeded with 15 bushels manure

Cropland or non-cropland to be seeded to permanent pasture must be prepared for seeding by disking and harrowing or its equivalent. The seedbed should be firm before the seed is sown. No credit will be given for carrying out this practice in 1940 on land on which practice 9 is carried out in 1940 or was carried out under previous agricultural conservation programs.

**11. Contour ridging non-crop open pasture land—1,000 linear feet of ridge, one unit (\$1.50).**

**SPECIFICATIONS:** (a) Contour ridges must be located on slopes between 2 and 20 percent.

(b) Contour ridges must be laid off on the level.

(c) Horizontal spacing must not exceed 40 feet on the more gentle slopes, and on the steeper slopes should not exceed 20 feet.

(d) Base width must be not less than 4 feet on the steeper slopes to 6 feet on the more gentle slopes.

(e) Contour ridges should be constructed with the ends curved up the slope, and the channel blocked at least every 25 to 30 feet. Such ridges must not cross gullies, but the ends must be curved up to direct water from the gully.

**12. Construction of reservoirs and dams—10 cubic yards of material moved in making the fill or excavation, one unit (\$1.50).**

**SPECIFICATIONS:** The reservoir or dam to be constructed must be determined by the county committee to be an efficient means of preventing erosion. The county committee must approve the site before construction is begun.

This practice must be carried out in accordance with detailed specifications approved by the State committee and the Director of the Southern Division which may be obtained from the county office.

### Erosion Control

**13. Construction of terraces and outlets on cropland or fenced non-crop open pasture land—200 linear feet of terrace, one unit (\$1.50).**

**SPECIFICATIONS:** (a) **Slope:** Terraces constructed on cropland with slopes from 3 to 8 percent will qualify, and in addition, slopes up to 12 percent in the limestone area in the gravelly phases and in black land of southwest Arkansas may be terraced.

Small areas with slopes in excess of the above may be terraced where it is necessary to include such area to complete the terrace system for the field.

(b) **Vertical distance:** The maximum vertical distance between terraces is determined by adding 2 to the slope in percent and dividing by 2. A tolerance of 6 inches will be allowed.

(c) **Fall:** The maximum fall for terrace channels shall be 4 inches per 100 linear feet. A variable fall is recommended for terraces of more than 400 feet in length.

(d) **Width and height:** The ridge-type terrace for the more gentle slopes shall not be less than 18 feet wide measured from the center of the water channel above the terrace to the edge of the bank below the terrace. The settled height shall not be less than 18 inches from the bottom of the water channel to the top of the terrace. All measurements are to be made at the narrowest part of the terrace, and at the lowest points in the ridge.

For steeper slopes, the channel-type terrace (a shallow V-shaped ditch, with all earth moved to form a ridge on the lower side) should be used and may be used on all slopes adapted to terracing. The channel shall be not less than 12 feet wide on the steeper slopes, and 16 feet wide on the more gentle slopes, measured from the crest to the upper side of the cut, and the depth of the channel shall be not less than 16 inches at the bottom of the V-cut.

(e) **Outlets:** Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

14. Stripcropping with alternate strips of close-grown crops and intertilled crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: Erosion-resisting strips may be planted to kudzu, alfalfa, annual lespedeza, lespedeza sericea, crotalaria, winter legumes alone or in combination with small grains, small grains, cowpeas in combination with sorghum or Sudan grass, sorghum, Sudan grass, or other dense-growing crops.

(a) Strips shall be laid off with an accurate terrace level on terrace spacings recommended in practice 13.

(b) Strips of either erosion-resisting or erosion-permitting crops shall not be less than 20 feet nor more than 200 feet wide.

(c) On slopes up to 4 percent at least 25 percent of the total area shall be in protective cover; on slopes from 4 to 10 percent at least 33½ percent; and on slopes above 10 percent at least 50 percent of the total area. Slopes in excess of 4 percent must be terraced.

**Green Manure and Cover Crops**

15. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—**One-half unit (75 cents) an acre.**

(b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

SPECIFICATIONS: Credit will **not** be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. Crops such as vetch, Austrian winter peas, bur-clover, crimson clover, crotalaria, soybeans, cowpeas, mung beans, small grains, and sorghums may qualify.

A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately ⅔ ton per acre of air-dry legumes and winter-growing non-legumes, and approximately 1½ tons per acre of air-dry summer-growing non-legumes.

16. Cowpeas, velvetbeans, crotalaria, or soybeans, interplanted or grown in combination with soil-depleting crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately ½ ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

**Forestry**

17. Planting forest trees—**Five units (\$7.50) an acre.**

SPECIFICATIONS: (a) **Time of planting:** Planting to be done during the dormant season.

(b) **Kinds of trees:** Loblolly, slash, or shortleaf pine, red or Ozark white cedar, black locust, yellow poplar, white or green ash, red or white oaks, black walnut, catalpa, sweetgum, cottonwood, Osage-orange, to be planted pure or in mixture. One to three-year old seedlings or transplant stock is to be used.

(c) **Number and spacing:** 1,000 trees per acre must be planted of shortleaf or loblolly pines, red cedar, or black locust, and 700 per acre of slash or longleaf pines or of hardwood species. This calls for spacings of about 6 by 6 feet apart for the shortleaf and loblolly, and 6 by 8 feet apart for the other pines and hardwoods.

(d) **Method of planting:** Ample holes must be dug to take all roots without curling main taproot. Dirt must be drawn into hole and thoroughly packed around roots without injury, with the trees set **tight in the ground** in planting.

(e) **Cultivation:** The hardwoods must be cultivated at least once the first growing season.

(f) **Protection:** The plantings must be adequately protected against injury from fire and livestock.

(g) **Survival:** Satisfactory survival shall be 700 trees per acre for forest plantations.

(h) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

18. Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—**Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less than 900 pines or cedars per acre or 600 hardwood trees per acre** must be maintained, by replanting, if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. All plantings of hardwood species must be fully protected from livestock by the construction of fences, if necessary. Firebreaks must be constructed by plowing or burning on sides adjacent to woodlands or fields having a fire hazard.

#### Miscellaneous

19. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) for a garden.**

**SPECIFICATIONS:** (a) There must be at least one-fourth acre of garden for each family, but not less than one-tenth acre for each member of the family.

(b) The garden shall be planted in one piece of ground and in production throughout the year. At least 10 different vegetables must be produced. Adequate protection from livestock must be provided.

(c) The soil must be properly plowed and worked before seeding and must be kept free of weeds and in good state of cultivation after planting.

(d) An effort must be made to control insect pests.

#### Section 7. SOIL-DEPLETING ACREAGE

(a) **Soil-Depleting Acreage** means the acreage of land devoted during the 1940 crop year to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose.

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugarcane grown for any purpose.

(6) Rice planted for any purpose.

(7) Peanuts harvested for nuts or dug for hay.

(8) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(9) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(10) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(11) Small grains:

(a) Wheat on a farm for which a wheat allotment is determined, if considered as planted in accordance with the definition in section 2 E.

(b) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.

(c) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut, and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.

(12) Sudan grass or millet harvested for grain or seed.

(13) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(14) Broomcorn planted for any purpose.

(15) Commercial bulbs and flowers harvested for any purpose.

(16) Flax planted for any purpose, except when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in workmanlike manner.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, except that if another soil-depleting crop is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land.

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That, where strips of soil-depleting crops, alternating with strips of

legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

#### Section 8. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and Deductions for Acreage Allotments.** The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop, if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop, if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

**B. Soil-Building Practice Payments.** The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bears to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of Net Deductions.** If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be

prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

### Section 9. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in Small Payments.** The total payment computed under sections 1 to 8, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	( <sup>1</sup> )
\$31.00 to \$31.99	10. 20	\$200.00 and over	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**B. Payments Limited to \$10,000.** The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located

in Arkansas, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions Incurred on Other Farms.** (1) The net deduction computed for any landlord or tenant under sections 1 to 6, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for Association Expenses.** There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment Restricted to Effectuation of the Purposes of the Program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

**F. Payment Computed and Made Without Regard to Claims.** Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this

section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payment shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess Cotton Acreage.** Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes

or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted, if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Materials Furnished to Carry Out Soil-Building Practices.** If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by

the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

#### Section 10. APPLICATION FOR PAYMENT

**A. Persons Eligible to File Applications.** An application for payment for a farm may be made by any person who, under the provisions of section 8, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and Manner of Filing Application and Information Required.** Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for Other Farms.** If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

**Section 11. APPEALS**

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

**Section 12. DEFINITIONS**

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof, and in the case of rice also means a person furnishing water for a share of the rice.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any shrubs or trees is such that the land could not be fairly considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, rice, or tobacco allotments.

(10) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

(11) The A Area of Arkansas means the following counties or areas:

Arkansas, Baxter, Benton, Boone, Carroll, Clay, Fulton, Independence, Madison, Marion, Newton, Randolph (except Area I), Searcy, Sharp, Stone, and Washington.

### Section 13. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 20, 1940, with the approval of the Administrator.

*J. W. Ruggan*

*Director, Southern Division.*

SRB-401-Ark. (A Area)

Supp. 1

Issued June 26, 1940

SEP 17 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ARKANSAS HANDBOOK (A AREA)  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Arkansas (A Area) (SRB-401-Ark. (A Area)) is hereby amended as follows:

Amendment 1

Section 2 B is amended by deleting "October 1, 1939" in the third line thereof and inserting "February 20, 1940."

Amendment 2

Section 5 E is amended to read as follows:

"E. General Soil-Depleting Crops or General Crops means all crops listed in the definition of "soil-depleting acreage," except special crops for which a separate payment or deduction is computed for the farm; provided, that wheat on a non-wheat-allotment farm shall always be regarded as a general crop for the purpose of determining the division of the net payment or net deduction computed with respect to general crops."

Amendment 3

Section 9 G is amended to read as follows:

"G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or

operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

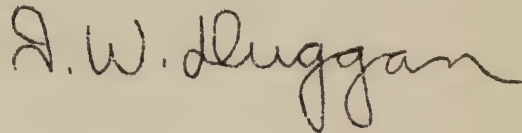
#### Amendment 4

Section 9 is amended by adding subsection K, as follows:

"K. Deductions in Case of Erroneous Notice of Acreage Allotment. Notwithstanding the deduction provisions of sections 1 to 5, inclusive, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity

and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.

A handwritten signature in dark ink, reading "I. W. Duggan". The signature is written in a cursive style with a large, prominent "D" and a long, sweeping underline.

I. W. Duggan,  
Director, Southern Division.



SRB-401-Ark. (A Area)  
Suppl. 2

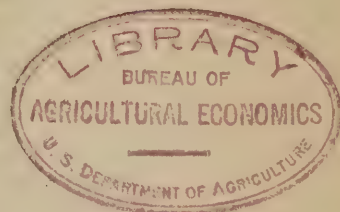
Issued December 7, 1940

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No. 401-Ark.(A)  
Suppl. 2  
JAN 29 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ARKANSAS HANDBOOK (A AREA)  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Arkansas (A Area) (SRB-401-Ark. (A Area)) is hereby further amended as follows:

Amendment 1

The second sentence of the specifications for practice 1 under section 6 E is revised as follows:

"In the case of crotalaria and annual ryegrass, application must be made at or before the time of seeding."

Amendment 2

Section 9 J is revised as follows:

"J. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

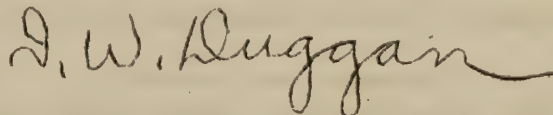
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the

amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 13, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.



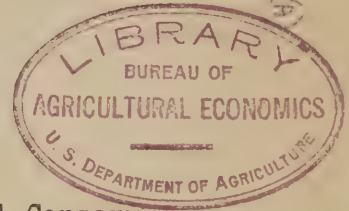
I. W. Duggan,  
Director, Southern Division.

Issued January 7, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ARKANSAS HANDBOOK (A AREA)  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Arkansas (A Area) (SRB-401-Ark. (A Area)) is hereby further amended as follows:

Paragraph (g), practice 17 under section 6 E is revised as follows:

"(g) Survival: Satisfactory survival shall be 700 reasonably well distributed trees per acre for forest tree plantings. However, a survival of from 400 to 700 trees per acre will be acceptable where the specifications for this practice were otherwise fulfilled but the nursery stock secured by the producer was of poor quality and the producer's 1941 farm plan provides for obtaining a survival of at least 700 reasonably well distributed trees per acre by replanting at the producer's own expense (for which replanting no credit will be given under the 1941 program). If the producer fails to obtain a survival of at least 700 reasonably well distributed trees per acre by November 30, 1941, a deduction will be made under the 1941 program at the 1941 rate per acre for planting forest trees."

Issued January 7, 1941, with the approval of the Administrator.

*C. D. Walker*  
C. D. Walker,  
Acting Director, Southern Division.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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## ARKANSAS HANDBOOK (B Area)

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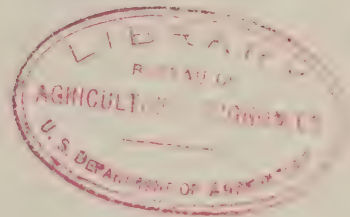
### 1940 Agricultural Conservation Program

Applicable to the following counties or areas: Ashley, Bradley, Calhoun, Chicot, Clark, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Franklin, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Monroe, Montgomery, Nevada, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Area I of Randolph, Saint Francis, Saline, Scott, Sebastian, Sevier, Union, Van Buren, White, Woodruff, and Yell

Program effective from January 1, 1940  
to November 30, 1940

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*Issued January 1940*



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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## ARKANSAS HANDBOOK (B AREA)

### 1940 Agricultural Conservation Program

[Applicable to the following counties or areas: Ashley, Bradley, Calhoun, Chicot, Clark, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Franklin, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Monroe, Montgomery, Nevada, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Area I of Randolph, Saint Francis, Saline, Scott, Sebastian, Sevier, Union, Van Buren, White, Woodruff, and Yell]

#### FOREWORD

The 1940 Agricultural Conservation Program is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

#### INTRODUCTION

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Arkansas (B Area) in the 1940 program, in accordance

with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 9B) are applicable only to farms in Area B of Arkansas but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies.

### Section 1. COTTON

**A. Farm allotments.**—The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of wheat and rice, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm normal yields.**—The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for

the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for **all** farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.**—The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage planted to cotton** means the acreage seeded to cotton, the staple of which is normally less than 1½ inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. WHEAT

**A. Farm allotments.**—(1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which more than 10 acres of wheat are normally planted for harvest and on which wheat was planted for harvest in one or more of the years 1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

**B. Usual acreages.**—Usual acreages of wheat shall be determined for all non-wheat-allotment farms and for farms on which the normal acreage of wheat harvested as grain or for any purpose after reaching maturity is more than 10 acres. The usual acreage shall be determined on the basis of the past acreage, with due allowance for abnormal weather conditions, tillable acreage, crop-rotation practices, type of soil, and topography.

**C. Farm normal yields.**—The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a usual wheat acreage in excess of 10 acres or for which a deduction is computed.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for **all** farms in the county will not exceed the normal yield established for the county.

**D. Payments.**—For a wheat-allotment farm, the payment is **9 cents** for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the usual acreage or 10 acres.

**E. Non-wheat-allotment farm** means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the wheat allotment is mailed to the operator, to have such farm considered as a non-allotment farm, or (2) a farm for which no wheat allotment is determined.

**F. Acreage planted to wheat** (for wheat-allotment farms) means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of oats, rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1940; and (3) any acreage seeded to a mixture designated under (1) above, and the wheat matures but the other crops fail to mature.

### Section 3. RICE

**A. Allotments.**—(1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each farm tilled by a producer

who is participating in the production of rice in 1940 and who participated in the production of rice in one or more of the 5 years 1935-1939 on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1940, taking into consideration crop-rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned to farms tilled by producers who are participating in the production of rice in 1940 for the first time since January 1, 1935, on the basis of the applicable standards of apportionment set forth in paragraph (1), except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1940 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1935-39.

**B. Farm normal yields.**—The State and county committees, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1935-39, if reliable records of the actual average of such yields are presented by the producer or are available to the committees.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1935-39 established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields will not exceed the State average yield.

**C. Payments.**—The payment is **6.5 cents** for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **65 cents** for each 100 pounds of the normal yield of the excess acres.

#### Section 4. COMMERCIAL VEGETABLES

**A. Farm allotments.**—In Crawford County, designated as a commercial vegetable county, a vegetable allotment shall be determined

by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-37 average acreage or the average of a later period adjusted to the 1936-37 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.**—The payment is \$1.50 for each acre in the vegetable allotment. There shall be a deduction for farms in the commercial vegetable county of \$20 for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial vegetables** means the acreage of annual vegetables or truck crops (including potatoes, sweetpotatoes, tomatoes, sweet corn, cantaloupes, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, sweet corn and tomatoes for canning) of which the principal part of the production is sold to persons not living on the farm.

#### Section 5. TOTAL SOIL-DEPLETING CROPS

**A. Farm allotments.**—The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

**B. Deductions.**—For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreages of special crops for which deductions are computed or (2) the acreage on which cotton is planted plus 20 acres.

#### Section 6. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National goal.**—The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County goals.**—Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and

which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

**C. Farm goals.**—The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.**—The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of the allotments for special crops (other than commercial vegetables) for which payments are computed;

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 17, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance.

**E. Soil-building practices.**—The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940 to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such fac-

tors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

### Application of Materials

1. Application of (a) 300 pounds of 16 percent superphosphate (or its equivalent) or (b) 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture—**One unit (\$1.50).**

**SPECIFICATIONS:** The material must be applied evenly over the area on which application is made. In the case of winter legumes, crotalaria, and annual ryegrass, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested; application must be made to lespedeza in all cases not later than July 15. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with a soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve.

2. Application of 1,500 pounds of ground limestone or its equivalent—**One unit (\$1.50).**

**SPECIFICATIONS:** The limestone must be 90 percent or more calcium carbonate equivalent. If limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium carbonate equivalent to the above. The materials listed below are equivalent to 1 ton of ground limestone:

- 1,000 pounds of burned limestone.
- 1,400 pounds of hydrated lime.
- 2,000 pounds of ground oyster shells.
- 2,750 pounds of limestone screenings.

The above materials must be of sufficient fineness so that 100 percent of the material will pass through a 10-mesh sieve; 80 percent through a 20-mesh sieve; 55 percent through a 60-mesh sieve, and 25 percent through a 100-mesh sieve.

3. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land—**One unit (\$1.50).**

**SPECIFICATIONS:** "Equivalent mulching material" is interpreted to mean 1½ tons crotalaria, soybeans, cowpeas, or other hay-dry legumes, or 2 tons leaves. Pine needles and barnyard and stable manure are excluded.

Producers expecting to use this practice shall notify the county committee prior to carrying out of this practice and shall substantiate work done under this practice by such supporting data as are required by the county committee.

### Seedings

4. Establishment of a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

**SPECIFICATIONS:** At least 500 crowns or 1,000 seedlings of kudzu per acre must be planted after the land has been prepared to a good state of cultivation similar for the planting of other crops. It will be necessary for the kudzu to be cultivated until the ground is covered by the vines. There must be a survival of 300 crowns or 500 seedlings per acre. Phosphate must be applied in connection with establishing kudzu on land deficient in humus and plant food.

### 5. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** The minimum rate of seeding is 20 pounds per acre and seed must be inoculated. The land must be prepared in accordance with good farming practices in advance of planting time and be maintained in a good state of cultivation until planting date.

### 6. Seeding winter legumes—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** The crops, minimum seeding rates per acre, and final dates for seeding are as follows:

- Vetch—20 pounds—November 15.
- Austrian winter peas—30 pounds—November 15.
- Bur-clover (in the bur)—50 pounds—October 15.
- Crimson clover—20 pounds—October 1.

All clovers, vetches, and Austrian winter peas must be properly inoculated at the time of planting. All land subject to erosion should be seeded on beds on the contour. Phosphate or lime must be applied to winter legumes in fields where there is a known deficiency of these materials.

### 7. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

**SPECIFICATIONS:** Annual lespedeza must be seeded at not less than 20 pounds per acre, and lespedeza sericea at not less than 30 pounds per acre.

### 8. Seeding annual ryegrass, annual or biennial sweetclover, specified biennial or perennial legumes or perennial grasses—**One-half unit (75 cents) an acre.**

**SPECIFICATIONS:** The crops that will qualify and the minimum seeding rates per acre are as follows:

- Annual ryegrass—20 pounds.
- Annual sweetclover—20 pounds.
- Biennial sweetclover—20 pounds.
- Alsike clover—10 pounds.
- White Dutch clover—6 pounds.
- Bermuda grass—5 pounds (hulled seed).
- Carpet grass—15 pounds.
- Dallis grass—10 pounds for adapted imported seed or 15 pounds for domestic seed.
- Orchard grass (where adapted)—20 pounds.
- Rescue grass—14 pounds.

In instances where home-grown seed is used, the amount of seed must be materially increased to compensate for certified seed. These crops must be planted on adapted soils. Alsike and White Dutch clover must be planted only on neutral or slightly acid soils. Biennial sweetclover must be seeded on lime soils or where sufficient lime has been added to warrant good growth. Carpet grass is best suited to creek bottoms in the southern part of the State; Dallis grass is adapted to the better soils in most all sections of the State, while orchard and rescue grass only in the central and northern parts of the State. Dallis grass, carpet grass, and Bermuda grass seeded alone will qualify under this practice, but when seeded at a full seeding rate in a pasture mixture, as provided in practice 10, they will qualify at a higher rate of credit under practice 10. No credit will be given for carrying out this practice in 1940 on land on which practice 9 or 10 is carried out in 1940.

## Pasture

### 9. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses—**Two units (\$3) an acre.**

**SPECIFICATIONS:** Establishing of permanent vegetative cover under this practice is to be done on cropland or non-cropland. Land to be sodded must be prepared as for seeding a permanent pasture, and the sodding must be done either in contour furrows not more than 3 feet apart and 3 feet in the furrow, with special precautions to provide a furrow deep enough and wide enough to

provide for good lodging of the sod and adequate covering, or by broadcasting sod pieces on the land that has been disked or broken, and be followed by plowing to properly cover the sod pieces.

**10. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, or carpet grass—Two units (\$3) an acre.**

**SPECIFICATIONS:** The establishment of a permanent pasture by seeding one of the following mixtures of perennial grasses and clovers per acre:

(a) The following mixture will be acceptable in all parts of the State:

Bermuda grass—5 pounds (hulled seed).

Lespedeza—8 pounds.

Hop clover—3 pounds.

White Dutch clover—3 pounds or bur-clover—15 pounds in bur seeded with 15 bushels manure.

(b) The following mixture is suitable to creek bottom sandy loam soils of the southern part of the State:

Carpet grass—10 pounds.

Lespedeza—8 pounds.

Hop clover—3 pounds.

White Dutch clover—3 pounds or bur-clover—15 pounds in bur seeded with 15 bushels manure.

(c) The following mixture is suitable and acceptable to most of the upland and medium fertile soils throughout the State:

Bermuda grass—3 pounds (hulled seed).

Dallis grass—5 pounds.

Lespedeza—8 pounds.

Hop clover—3 pounds.

White Dutch clover—3 pounds or bur-clover—15 pounds in bur seeded with 15 bushels manure.

Cropland or non-cropland to be seeded to permanent pasture must be prepared for seeding by disking and harrowing or its equivalent. The seedbed should be firm before the seed is sown. No credit will be given for carrying out this practice in 1940 on land on which practice 9 is carried out in 1940 or was carried out under previous agricultural conservation programs.

**11. Contour ridging non-crop open pasture land—1,000 linear feet of ridge, one unit (\$1.50).**

**SPECIFICATIONS:** (a) Contour ridges must be located on slopes between 2 and 20 percent.

(b) Contour ridges must be laid off on the level.

(c) Horizontal spacing must not exceed 40 feet on the more gentle slopes, and on the steeper slopes should not exceed 20 feet.

(d) Base width must be not less than 4 feet on the steeper slopes to 6 feet on the more gentle slopes.

(e) Contour ridges should be constructed with the ends curved up the slope, and the channel blocked at least every 25 to 30 feet. Such ridges must not cross gullies, but the ends must be curved up to direct water from the gully.

**12. Construction of reservoirs and dams—10 cubic yards of material moved in making the fill or excavation, one unit (\$1.50).**

**SPECIFICATIONS:** The reservoir or dam to be constructed must be determined by the county committee to be an efficient means of preventing erosion. The county committee must approve the site before construction is begun.

This practice must be carried out in accordance with detailed specifications approved by the State committee and the Director of the Southern Division which may be obtained from the county office.

### Erosion Control

**13. Construction of terraces and outlets on cropland or fenced non-crop open pasture land—200 linear feet of terrace, one unit (\$1.50).**

**SPECIFICATIONS:** (a) **Slope:** Terraces constructed on cropland with slopes from 3 to 8 percent will qualify, and in addition, slopes up to 12 percent in the limestone area in the gravelly phases and in black land of southwest Arkansas may be terraced.

Small areas with slopes in excess of the above may be terraced where it is necessary to include such area to complete the terrace system for the field.

(b) **Vertical distance:** The maximum vertical distance between terraces is determined by adding 2 to the slope in percent and dividing by 2. A tolerance of 6 inches will be allowed.

(c) **Fall:** The maximum fall for terrace channels shall be 4 inches per 100 linear feet. A variable fall is recommended for terraces of more than 400 feet in length.

(d) **Width and height:** The ridge-type terrace for the more gentle slopes shall not be less than 18 feet wide measured from the center of the water channel above the terrace to the edge of the bank below the terrace. The settled height shall not be less than 18 inches from the bottom of the water channel to the top of the terrace. All measurements are to be made at the narrowest part of the terrace, and at the lowest points in the ridge.

For steeper slopes, the channel-type terrace (a shallow V-shaped ditch, with all earth moved to form a ridge on the lower side) should be used and may be used on all slopes adapted to terracing. The channel shall be not less than 12 feet wide on the steeper slopes, and 16 feet wide on the more gentle slopes, measured from the crest to the upper side of the cut, and the depth of the channel shall be not less than 16 inches at the bottom of the V-cut.

(e) **Outlets:** Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

#### 14. Stripcropping with alternate strips of close-grown crops and intertilled crops—**Four acres, one unit (\$1.50).**

**SPECIFICATIONS:** Erosion-resisting strips may be planted to kudzu, alfalfa, annual lespedeza, lespedeza sericea, crotalaria, winter legumes alone or in combination with small grains, small grains, cowpeas in combination with sorghum or Sudan grass, sorghum, Sudan grass, or other dense-growing crops.

(a) Strips shall be laid off with an accurate terrace level on terrace spacings recommended in practice 13.

(b) Strips of either erosion-resisting or erosion-permitting crops shall not be less than 20 feet nor more than 200 feet wide.

(c) On slopes up to 4 percent at least 25 percent of the total area shall be in protective cover; on slopes from 4 to 10 percent at least 33½ percent; and on slopes above 10 percent at least 50 percent of the total area. Slopes in excess of 4 percent must be terraced.

#### Green Manure and Cover Crops

#### 15. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—**One-half unit (75 cents) an acre.**

#### (b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** Credit will **not** be given for lespedeza, peanuts hogged-off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. Crops such as vetch, Austrian winter peas, bur-clover, crimson clover, crotalaria, soybeans, cowpeas, mungbeans, small grains, and sorghums may qualify.

A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay,

would make approximately  $\frac{2}{3}$  ton per acre of air-dry legumes and winter-growing non-legumes, and approximately  $1\frac{1}{2}$  tons per acre of air-dry summer-growing non-legumes.

16. Cowpeas, velvetbeans, crotalaria, or soybeans interplanted or grown in combination with soil-depleting crops—**Four acres, one unit (\$1.50).**

**SPECIFICATIONS:** A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately one-half ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

### Forestry

17. Planting forest trees—**Five units (\$7.50) an acre.**

**SPECIFICATIONS:** (a) **Time of planting:** Planting to be done during the dormant season.

(b) **Kinds of trees:** Loblolly, slash, or shortleaf pine, red or Ozark white cedar, black locust, yellow poplar, white or green ash, red or white oaks, black walnut, catalpa, sweetgum, cottonwood, Osage-orange, to be planted pure or in mixture. One to three-year-old seedling or transplant stock is to be used.

(c) **Number and spacing:** 1,000 trees per acre must be planted of shortleaf or loblolly pines, red cedar, or black locust, and 700 per acre of slash or longleaf pines or of hardwood species. This calls for spacings of about 6 by 6 feet apart for the shortleaf and loblolly, and 6 by 8 feet apart for the other pines and hardwoods.

(d) **Method of planting:** Ample holes must be dug to take all roots without curling main taproot. Dirt must be drawn into hole and thoroughly packed around roots without injury, with the trees set **tight in the ground** in planting.

(e) **Cultivation:** The hardwoods must be cultivated at least once the first growing season.

(f) **Protection:** The plantings must be adequately protected against injury from fire and livestock.

(g) **Survival:** Satisfactory survival shall be 700 trees per acre for forest plantations.

(h) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

18. Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—**Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less than 900 pines or cedars per acre** or 600 hardwood trees per acre must be maintained, by replanting, if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. All plantings of hardwood species must be fully protected from livestock by the construction of fences, if necessary. Firebreaks must be constructed by plowing or burning on sides adjacent to woodlands or fields having a fire hazard.

### Miscellaneous

19. Growing a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) for a garden.**

**SPECIFICATIONS:** (a) There must be at least one-fourth acre of garden for each family, but not less than one-tenth acre for each member of the family.

(b) The garden shall be planted in one piece of ground and in production throughout the year. At least 10 different vegetables must be produced. Adequate protection from livestock must be provided.

(c) The soil must be properly plowed and worked before seeding and must be kept free of weeds and in good state of cultivation after planting.

(d) An effort must be made to control insect pests.

## Section 7. SOIL-DEPLETING ACREAGE

**Soil-depleting acreage** means the acreage of land devoted during the 1940 crop year<sup>1</sup> to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

- (1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.
- (2) Tobacco harvested for any purpose.
- (3) Grain sorghums planted for any purpose.
- (4) Cotton which reaches the stage of growth at which bolls are first formed.
- (5) Sugarcane grown for any purpose.
- (6) Rice planted for any purpose.
- (7) Peanuts harvested for nuts or dug for hay.
- (8) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.
- (9) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.
- (10) Peas planted for canning or freezing, except when grown in home gardens for use on the farm or used as green manure.
- (11) Small grains:
  - (a) Wheat on a farm for which a wheat allotment is determined, if considered as planted in accordance with the definition in section 2 F.
  - (b) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.
  - (c) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.
- (12) Sudan grass or millet harvested for grain or seed.
- (13) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.
- (14) Broomcorn planted for any purpose.
- (15) Commercial bulbs and flowers harvested for any purpose.
- (16) Flax planted for any purpose, except when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in workmanlike manner.

If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil-depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil-depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the

<sup>1</sup>For commercial vegetables in Crawford County, the 1940 crop year shall include December 1939.

land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, except that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land; or

(2) If commercial vegetables and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to the crop other than commercial vegetables for which the special acreage allotment is established; and in addition, all of the land shall be considered as planted to commercial vegetables if the commercial vegetables are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables.

Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting: *Except*, That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

#### Section 8. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions for acreage allotments.**—(1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.**—If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, or insects, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled

to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.**—If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) In computing the net payments and net deductions for acreage allotments and general crops, the deduction for total soil-depleting crops shall be made pro rata from the payments computed for acreage allotments.

**B. Soil-building practice payments.**—The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of net deductions.**—If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

## Section 9. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections 1 to 8, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.00.<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in Arkansas shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—(1) The net deduction computed for any landlord or tenant under sections 1 to 6, inclusive, shall be deducted from the share of the payment which would other-

wise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for association expenses.**—There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment restricted to effectuation of the purposes of the program.**—(1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

**F. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the pay-

ments that would otherwise be paid to the landlord or operator, such payments shall not be greater than the amount that would otherwise be made to him if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.**—Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the A. A. A., and unless the assignment has priority as determined under instructions issued by the A. A. A.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) He proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) He did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm; or

(b) Where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Materials furnished to carry out soil-building practices.**—If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the A. A. A. to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the A. A. A. in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in

accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

#### Section 10. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of section 8, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for other farms.**—If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

#### Section 11. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The

State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

### Section 12. DEFINITIONS

For the purposes of the 1940 program:

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the A. A. A., determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof, and in

the case of rice also means a person furnishing water for a share of the rice.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding nonbearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, vegetable, and rice acreage allotments.

(10) **General soil-depleting crops or general crops** means all crops listed in section 7 as soil depleting, except cotton, wheat, commercial vegetables, and rice, for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

(12) **The B Area of Arkansas** means the following counties or areas:

Ashley, Bradley, Calhoun, Chicot, Clark, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Franklin, Garland, Grant, Greene, Hempstead, Hot Springs, Howard, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Monroe, Montgomery, Nevada, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Area I of Randolph, Saint Francis, Saline, Scott, Sebastian, Sevier, Union, Van Buren, White, Woodruff, and Yell.

### Section 13. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 20, 1940, with the approval of the Administrator.

*A. W. Ruggan*

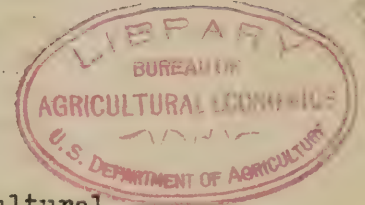
*Director, Southern Division.*

Issued June 26, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ARKANSAS HANDBOOK (B AREA)  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Arkansas (B Area) (SRB-401-Ark. (B Area)) is hereby amended as follows:

Amendment 1

Section 2 E is amended by deleting "October 1, 1939" in the third line thereof and inserting "February 20, 1940."

Amendment 2

Section 9 is amended by adding subsection K, as follows:

"K. Deductions in Case of Erroneous Notice of Acreage Allotment. Notwithstanding the deduction provisions of sections 1 to 5, inclusive, and section 14, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued; and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Amendment 3

A new section on tobacco is added, as follows:

Section 14. TOBACCO

A. Farm Allotments. The county committee, with the assistance of other local committees, shall determine an acreage allotment for Burley tobacco for any farm on which Burley tobacco was produced in one or more of the 5 years 1935-1939 on the basis of past acreage of Burley tobacco (harvested and diverted), with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

B. Farm Normal Yields. The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-1939 shall be determined on the basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(3) The weighted average of the normal yields for all farms in each county shall not exceed the normal yield for the county.

C. Payments. The payment is 1 cent for each pound of the normal yield for each acre in the Burley tobacco allotment. If the acreage of Burley tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of 8 cents for each pound of the normal yield of the excess acreage.

Amendment 4

Section 9 G is amended to read as follows:

"G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

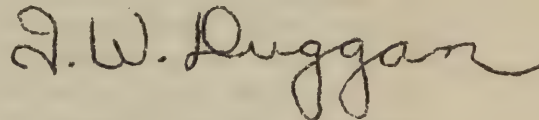
"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has

been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Issued June 26, 1940, with the approval of the Acting Administrator.

A handwritten signature in cursive script, reading "I. W. Duggan". The signature is written in dark ink and is positioned above the typed name and title.

I. W. Duggan,  
Director, Southern Division.

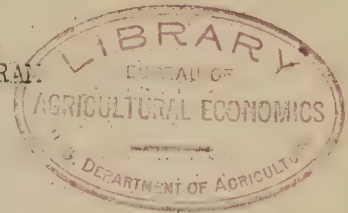
Issued December 7, 1940

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No. 401-Ark (B Area)  
Suppl. 2  
JAN 29 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ARKANSAS HANDBOOK (B AREA)  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Arkansas (B Area) (SRB-401-Ark. (B Area)) is hereby further amended as follows:

Amendment 1

The second sentence of the specifications for practice 1 under section 6 E is revised as follows:

"In the case of crotalaria and annual ryegrass, application must be made at or before the time of seeding."

Amendment 2

Section 9 J is revised as follows:

"J. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA, as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

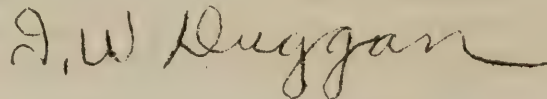
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of

the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 13, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.



I. W. Duggan,  
Director, Southern Division.

SR3-401-Ark. (B Area)  
Supplement 3

Issued January 7, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

ARKANSAS HANDBOOK (B AREA)  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



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No. 401-Ark. (B Area)  
Suppl. 3  
JAN 29 1941

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Arkansas (B Area) (SR3-401-Ark. (B Area)) is hereby further amended as follows:

Paragraph (g), practice 17 under section 6 E is revised as follows:

"(g) Survival: Satisfactory survival shall be 700 reasonably well distributed trees per acre for forest tree plantings. However, a survival of from 400 to 700 trees per acre will be acceptable where the specifications for this practice were otherwise fulfilled but the nursery stock secured by the producer was of poor quality and the producer's 1941 farm plan provides for obtaining a survival of at least 700 reasonably well distributed trees per acre by replanting at the producer's own expense (for which replanting no credit will be given under the 1941 program). If the producer fails to obtain a survival of at least 700 reasonably well distributed trees per acre by November 30, 1941, a deduction will be made under the 1941 program at the 1941 rate per acre for planting forest trees."

Issued January 7, 1941, with the approval of the Administrator.

*C. D. Walker*

C. D. Walker,  
Acting Director, Southern Division.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

# FLORIDA HANDBOOK

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## 1940 Agricultural Conservation Program

Program effective from January 1, 1940  
to December 31, 1940

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*Issued January 1940*



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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# FLORIDA HANDBOOK

## FOREWORD

The 1940 Agricultural Conservation Program in Florida is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

## INTRODUCTION

### 1940 Agricultural Conservation Program

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Florida in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 10B) are applicable only to farms in Florida but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands

in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies. The provisions of this handbook are also not applicable to farms in Manatee, Marion, Palm Beach, Sarasota, and Seminole Counties, for which a special agricultural conservation program is approved for 1940 by the Secretary.

### Section 1. COTTON

**A. Farm Allotments.** The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco and sugarcane for sugar, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms; that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for **all** farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.** The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. TOBACCO

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine an acreage allotment for flue-cured or Georgia-Florida Type 62 tobacco for any farm on which such kind of tobacco was produced in one or more of the 5 years 1935-1939 on the basis of past acreage of such kind of tobacco (harvested and diverted), with due allowance for drought, flood, hail, and other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices, and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-1939 shall be determined on the basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(3) The weighted average of the normal yields for **all** farms in each county shall not exceed the normal yield for the county.

**C. Payments.** The payment is **1 cent** in case of flue-cured, and **1.2 cents** in case of Georgia-Florida Type 62, for each pound of the normal yield for each acre in the tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of **8 cents** for each pound of the normal yield of the excess acreage.

### Section 3. PEANUTS

**A. Farm Allotments.** In counties designated in subsection E as commercial peanut counties, the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for each farm having a peanut allotment. The normal yield shall be determined on the basis of the yields of peanuts made on the farm, with due consideration for type of soil, production practices, and general fertility of the land. The average yield for **all** farms in any county shall not exceed the average yield of peanuts established for the county.

**C. Payments.** The payment is **12½ cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.50** for each 100 pounds of the normal yield of the excess acreage.

**D. Peanuts for Market** means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

**E. Commercial Peanut Area** means the following counties:

Alachua, Calhoun, Columbia, Escambia, Gadsden, Gilchrist, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Madison, Marion, Okaloosa, Santa Rosa, Sumter, Suwannee, Union, Walton, and Washington.

### Section 4. IRISH POTATOES

**A. Farm Allotments.** In counties designated in subsection D as commercial potato counties, the county committee, with the assistance of other local committees, shall determine a potato allotment for each farm for which the normal acreage of potatoes for market is determined to be 3 acres or more. Allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors. The potato allotments determined for farms in a county shall not exceed their proportionate share of the county potato allotment.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment or for which a deduction is computed. The normal yield shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in the county shall not exceed the normal yield established for the county.

**C. Payments.** The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment. For farms in the counties listed in subsection D, there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the larger of the allotment or 3 acres.

**D. Commercial Potato Area** means the following counties:

Alachua, Bradford, Broward, Clay, Dade, DeSoto, Escambia, Flagler, Lee, Putnam, Saint Johns, and Union.

#### Section 5. COMMERCIAL VEGETABLES

**A. Farm Allotments.** In the commercial vegetable counties designated in subsection C, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-1937 average acreage or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.** The payment is **\$1.50** for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of **\$20** for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial Vegetable Counties** means the following counties:

Alachua, Bradford, Brevard, Broward, Charlotte, Collier, Dade, DeSoto, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Martin, Okeechobee, Orange, Osceola, Polk, Putnam, Saint Johns, Saint Lucie, Sumter, Union, and Volusia.

**D. Commercial Vegetables** means the acreage of annual vegetables or truck crops (including potatoes in all counties except Alachua, Bradford, Broward, DeSoto, Dade, Flagler, Lee, Putnam, Saint Johns, and Union; sweetpotatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

#### Section 6. TOTAL SOIL-DEPLETING CROPS

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a

vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

**B. Deductions.** For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5.00 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed or (2) the acreages on which cotton is planted or tobacco is harvested plus 20 acres.

### Section 7. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National Goal.** The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County Goals.** Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

**C. Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.** The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payments available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of (a) the allotments for special crops (other than commercial vegetables) for which payments are computed, and (b) the acreage of sugarcane for sugar grown on the farm in 1940;

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) **\$1.50** for each unit earned by planting forest trees in accordance with practice 15 or 16, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance.

**E. Soil-Building Practices.** The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940 to December 31, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

#### Application of Materials

1. Application of the following materials to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, annual ryegrass, or permanent pasture, which are not seeded or grown with a soil-depleting crop—**One unit (\$1.50)**.

**SPECIFICATIONS:** (a) 300 pounds of 16 percent superphosphate or its equivalent.

(b) 500 pounds of basic slag.

(c) 600 pounds of raw rock or colloidal phosphate containing not less than 28 percent of total phosphorous pentoxide ( $P_2O_5$ ) and ground fine enough for 85 percent to pass through a 200-mesh sieve.

(d) 750 pounds of raw rock or colloidal phosphate containing not less than 18 percent of total phosphorous pentoxide ( $P_2O_5$ ) and ground fine enough for 80 percent of the raw rock phosphate to pass through a 100-mesh sieve, and for the colloidal phosphate to shake through a 6-mesh sieve and 85 percent of it to wash through a 325-mesh sieve.

(e) These materials must be applied at or prior to the time of seeding, except in the case of crotalaria or Natal grass in orchards and perennials, and must be distributed evenly over the area to which they are applied.

(f) Practice 1 is not to be used on pastures oftener than once every third year. The maximum rate of application shall not exceed 3 units per acre.

2. Application of 1,000 pounds of ground limestone or its equivalent—**One unit (\$1.50)**.

**SPECIFICATIONS:** The limestone must be 90 percent or more calcium or magnesium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium or magnesium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

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- 1,000 pounds of burned limestone
- 1,400 pounds of hydrated lime
- 2,000 pounds of ground oyster or coquina shells
- 2,750 pounds of limestone screenings
- 3,000 pounds of limestone from Braden quarries

The above material must be of sufficient fineness so that 100 percent will pass through a 10-mesh sieve and 50 percent through a 100-mesh sieve.

3. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** Equivalent mulching materials are:

- 1½ tons crotalaria or other hay-dry legumes
- 2 tons air-dry muck
- 2 tons leaves (pine needles excluded)
- 8 tons hyacinths (green basis)

Producers who expect to use this practice shall notify the county committee prior to the carrying out of this practice and shall substantiate work done by such supporting data as are required by the county committee.

#### Seedings

4. Establishing a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

**SPECIFICATIONS:** At least 500 crowns per acre must be planted on well-prepared land. There must be a survival of 300 crowns.

5. Seeding winter legumes—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** The seedings must be at not less than the following rates per acre:

- Austrian winter peas—30 pounds broadcast or 20 pounds in rows
- Vetch—20 pounds broadcast or 15 pounds in rows
- Blue lupine—40 pounds

Unless a previous successful crop of the particular winter legume has been grown on the land, such legume must be inoculated. In fields where there is a known deficiency of lime, lime must be applied.

6. Seeding lespedeza—**Two thirds unit (\$1) an acre.**

**SPECIFICATIONS:** Lespedeza must be seeded at not less than 20 pounds per acre.

7. Seeding annual ryegrass—**One-half unit (75 cents) an acre.**

**SPECIFICATIONS:** Annual ryegrass must be seeded at not less than 25 pounds per acre.

#### Pasture

8. Establishing a permanent vegetative cover by planting sod pieces of perennial grasses—**Three units (\$4.50) an acre.**

**SPECIFICATIONS:** Plantings of Para, Carib, centipede, Bermuda, carpet, and Bahia grass will qualify. A good seedbed must be prepared. Sod pieces of canes or rooted runners must be planted at an average spacing of not more than 2½ feet. Where adapted, 5 pounds of lespedeza shall also be sown in addition to sodding.

9. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, carpet, or Bahia grass—**Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) Preparation of non-cropland to be seeded to permanent pasture. The acreage which is to be established in pasture by the use of grass seed shall have the native wire grass, palmetto, or other vegetation removed or destroyed and all the top soil stirred by double harrowing or its equivalent to prepare a seedbed. The seedbed for grass seed shall be firm and shallow, rather than deep and soft.

**(b) Rate of seeding per acre:**

**(1) Grasses seeded alone:** At least 7 pounds of seed per acre of Bermuda or Bahia grass and 10 pounds of carpet or Dallis.

**(2) Seeding of mixtures:**

**(a)** At least 5 pounds per acre of carpet grass seed plus at least 5 pounds per acre of either Dallis or Bahia or a mixture of Dallis and Bahia.

**(b)** At least 7 pounds of carpet grass seed plus at least 5 pounds of lespedeza.

**(c)** Any other mixtures of the above at equivalent rates of seeding per acre.

**(c)** All preparation and seeding to be done in a workmanlike manner and in accordance with good farming practice. Producers must supply sales receipts for the quantity and kind of grass seed purchased.

**10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed, one unit (\$1.50).**

**SPECIFICATIONS:** The following grasses and legumes seeded alone or in mixtures shall be used:

Carpet grass, Dallis grass, Bahia grass, and White Dutch clover.

For mixtures of certain of the above grasses or legumes, those approved under practice 9 shall be used for the particular soil type. Land to be reseeded shall have a properly prepared seedbed.

Producers shall supply sales receipts for the kind and quantity of grass and legume seeds used, and such receipts shall be required to support the performance records.

**11. Contour ridging of non-crop open pasture land—1,000 linear feet of ridge, one unit (\$1.50).**

**SPECIFICATIONS:** This practice shall apply only to the area lying west of the Suwannee River. The ridges shall not be less than 3 feet wide at the base and 1 foot high, with a settled height of 8 to 10 inches. The interval between contour ridges shall not exceed one-third the terrace interval listed under practice 12.

**Erosion Control**

**12. Construction of standard terraces for which proper outlets are provided—200 linear feet of terrace, one unit (\$1.50).**

**SPECIFICATIONS:** (a) Terraces must be constructed on variable grades as follows:

Length of terrace (feet)	Maximum fall per 100 feet	Length of terrace (feet)	Maximum fall per 100 feet
	<i>Inches</i>		<i>Inches</i>
0 to 100.....	0	600 to 700.....	3
100 to 200.....	$\frac{1}{2}$	700 to 800.....	$3\frac{1}{2}$
200 to 300.....	1	800 to 900.....	4
300 to 400.....	$1\frac{1}{2}$	900 to 1,000.....	$4\frac{1}{2}$
400 to 500.....	2	1,000 to 1,700.....	5
500 to 600.....	$2\frac{1}{2}$		

A maximum length of 1,700 feet may be allowed for draining in one direction.  
 (b) Vertical spacing between terraces shall not exceed the spacing shown in the following table:

Slope of land in feet per 100 feet	Vertical distance or the drop between terraces	Horizontal distances between terraces	Slope of land in feet per 100 feet	Vertical distance or the drop between terraces	Horizontal distances between terraces
1 foot-----	2.50 feet----	180 feet.	7 feet-----	4.00 feet----	57 feet.
2 feet-----	2.75 feet----	140 feet.	8 feet-----	4.25 feet----	53 feet.
3 feet-----	3.00 feet----	100 feet.	9 feet-----	4.50 feet----	50 feet.
4 feet-----	3.25 feet----	80 feet.	10 feet-----	4.75 feet----	48 feet.
5 feet-----	3.50 feet----	75 feet.	12½ feet----	5.25 feet----	42 feet.
6 feet-----	3.75 feet----	63 feet.	15 feet-----	6.25 feet----	42 feet.

(c) Size of terraces: Cross sections of terraces must have a width of bank and ditch of at least 15 to 20 feet and a height of terrace crest above ditch bottom of 20 to 24 inches when new, a settled height of 15 to 18 inches being anticipated.

(d) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

#### Green Manure and Cover Crops

13. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—**One-half unit (75 cents) an acre.**

(b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

SPECIFICATIONS: Credit will **not** be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately  $\frac{2}{3}$  ton per acre of air-dry legumes and winter-growing non-legumes, and approximately 1½ tons per acre of air-dry summer-growing non-legumes.

14. Cowpeas, velvetbeans, crotalaria, or soybeans, interplanted or grown in combination with soil-depleting crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately one-half ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

#### Forestry

15. Planting pine trees on cropland or farm woodlots (Farm woodlots shall in no event exceed the cropland in the farm)—**Five units (\$7.50) an acre.**

SPECIFICATIONS: The minimum rate of planting to qualify under this practice shall be 650 trees per acre. The planting shall be protected from fire, from grazing by hogs, goats, and other livestock which will destroy the seedlings. The

plantings shall be cared for in accordance with good tree-culture practice. The survival or stand of living trees shall not be less than 65 percent to qualify.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

16. Planting pine trees on fenced non-crop open pasture land not considered a farm woodlot—**Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) The producer shall furnish a full legal description of his property to accompany his worksheet.

(b) The producer shall furnish prior to any planting at his expense aerial or other maps satisfactory to the county committee of the area to be planted. A map shall also be furnished of any interior holdings (giving legal description of any such area) within the fenced area that is not owned by the producer.

(c) All planting must be done in solid blocks as nearly as possible in the mapped area. On irregularly shaped plantings only that acreage which is in even blocks will qualify and irregular portions will be disregarded. Irregular blocks of less than 4 acres may be disapproved.

(d) A minimum planting of 650 trees per acre is required with a minimum survival of 65 percent.

(e) All planted areas must be protected from damage by sheep and goats.

(f) The planted area must be protected from fire and all areas not under organized cooperative fire control with the Florida Board of Forestry must meet the following minimum requirements:

(1) Areas comprising less than 40 acres shall be surrounded by a plowed firebreak 8 feet wide and the area divided into approximately 10-acre blocks by a plowed firebreak 8 feet wide.

(2) Areas comprising 40 acres or more shall be surrounded with a plowed firebreak 16 feet wide and each 40 acres within such area shall be surrounded by a plowed firebreak 16 feet wide. In addition, the area within each 40-acre block shall be divided into 4 blocks of approximately 10 acres with a plowed firebreak 8 feet wide.

(3) Clean plowed firebreaks of specified width exposing the mineral subsoil are required. The fire lines shall be as straight as practicable but may deviate because of unusual ground conditions.

(g) All planting and firebreak plowing shall be done in a workmanlike manner and according to good forestry methods.

(h) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

17. Cultivating, protecting, and maintaining, by replanting, if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—**Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of not less than 500 pines per acre must be maintained by replanting, if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. Firebreaks must be constructed by plowing on sides adjacent to woodlands or fields having a fire hazard.

(d) This practice shall apply only on cropland or farm woodlots. (Farm woodlots shall in no event exceed the cropland in the farm.)

**Miscellaneous**

18. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) a garden.**

**SPECIFICATIONS:** The home garden shall be a plot of land not less than one-tenth (.1) acre and not more than 1 acre per farm family. Such a plot to be set aside for the entire year as a garden and adequately protected from livestock and poultry. The garden must be devoted during the year to a variety of food crops for home consumption only and shall contain not less than 7 different

kinds of vegetables. The garden must be cared for in a workmanlike manner and according to good farm practice. Sweetpotatoes and roasting ear corn from the fields will not count as one of the seven varieties of vegetables required to meet the above.

### Section 8. SOIL-DEPLETING ACREAGE

(a) **Soil-Depleting Acreage** means the acreage of land devoted during the 1940 crop year to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

- (1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.
- (2) Tobacco harvested for any purpose.<sup>1</sup>
- (3) Cotton which reaches the stage of growth at which bolls are first formed.
- (4) Sugarcane grown for any purpose.
- (5) Rice planted for any purpose.
- (6) Peanuts harvested for nuts or dug for hay.
- (7) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.
- (8) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.
- (9) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.
- (10) Small grains:
  - (a) Wheat, oats, barley, rye, or mixtures of these crops, harvested for grain.
  - (b) Wheat, oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 per cent by weight of vetch or Austrian winter peas.
- (11) Sudan grass or millet harvested for grain or seed.
- (12) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.
- (13) Commercial bulbs and flowers harvested for any purpose.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For

<sup>1</sup> Each acre of Georgia-Florida Type 62 tobacco shall be classified as eight-tenths ( $\frac{8}{10}$ ) of an acre of soil depleting if—

(a) An average of at least four top leaves is left on each stalk on all of the acreage of Type 62 tobacco grown on the farm in 1940 and all such stalks are cut within 7 days after harvesting of the other leaves is completed and either left on the land for the remainder of 1940 or plowed under, and

(b) A cover crop of sorghum, cowpeas, velvetbeans, or crotalaria, or any mixture of these, is seeded in 1940 on all land planted to Type 62 tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disked in before December 31, 1940, after it has attained at least 3 months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.

example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as sweet sorghums, the classification of the land shall remain the same as above; that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop except that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land; provided, that if cotton and peanuts in counties designated in section 3 E as commercial peanut counties are the crops and the peanuts are harvested for nuts, cotton shall be considered to occupy all of the land, and in addition, each row of peanuts shall be considered to occupy a strip of land 2 feet in width;

(2) If commercial vegetables (or potatoes) and sugarcane or commercial vegetables (or potatoes) and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to sugarcane or the crop other than commercial vegetables (or potatoes) for which the special acreage allotment is established, and in addition, all of the land shall be considered as planted to commercial vegetables (or potatoes) if the commercial vegetables (or potatoes) are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables (or potatoes) are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables (or potatoes).

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips

or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

## Section 9. DIVISION OF PAYMENTS AND DEDUCTIONS

### A. Payments and Deductions for Acreage Allotments. (1)

The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940 with the following exceptions:

(i) **Crop Failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) The deduction for excess total soil-depleting crops shall be made pro rata from the payments computed for special crop acreage allotments.

**B. Soil-Building Practice Payments.** The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of Net Deductions.** If a net payment is computed for a farm as a whole, but a net deduction is computed for one or

more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

### Section 10. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in Small Payments.** The total payment computed under sections 1 to 9, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**B. Payments Limited to \$10,000.** The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in Florida, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions Incurred on Other Farms.** (1) The net deduction computed for any landlord or tenant under sections 1 to 7, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for Association Expenses.** There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment Restricted to Effectuation of the Purposes of the Program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has

adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices shall be computed for any farm which is not operated in 1940.

**F. Payment Computed and Made Without Regard to Claims.**

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disburs-

ing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess Cotton Acreage.** Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment established for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will

be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Materials Furnished to Carry Out Soil-Building Practices.** If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purpose for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

#### Section 11. APPLICATION FOR PAYMENT

**A. Persons Eligible to File Applications.** An application for payment for a farm may be made by any person who, under the provisions of section 9, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and Manner of Filing Application and Information Required.** Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a

time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for Other Farms.** If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

### Section 12. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

### Section 13. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA,

determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, peanut, vegetable, potato, or tobacco acreage allotments.

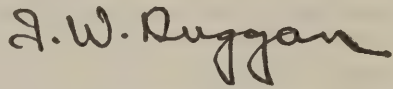
(10) **General soil-depleting crops or general crops** means all crops listed in section 8 as soil depleting, except cotton, peanuts, tobacco, potatoes, and commercial vegetables for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

**Section 14. AVAILABILITY OF FUNDS**

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

A handwritten signature in dark ink, reading "J. W. Ruggan". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

*Director, Southern Division.*

○

SRB-401-Fla.  
Supp. 1

Issued June 26, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

FLORIDA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Florida (SRB-401-Fla.) is hereby amended as follows:

Amendment 1

Subsection D of section 3 is amended to read as follows:

"D. Peanuts for Market means all peanuts harvested for nuts on any farm on which any peanuts are separated from the vines by mechanical means and sold to persons not living on the farm."

Amendment 2

Section 10 G is amended to read as follows:

"G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number

on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Amendment 3

Section 10 is amended by adding subsection K, as follows:

"K. Deductions in Case of Erroneous Notice of Acreage Allotment. Notwithstanding the deduction provisions of sections 1 to 6, inclusive, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.

*I. W. Duggan*  
I. W. Duggan,  
Director, Southern Division.

Issued September 19, 1940

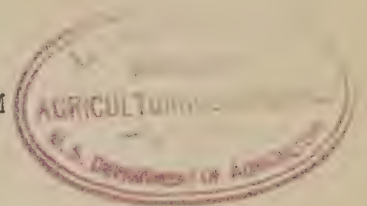
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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

FLORIDA HANDBOOK

1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Florida (SRB-401-Fla.), as amended, is further amended as follows:

Amendment 4

Section 3 E is amended to read as follows:

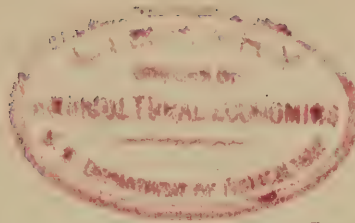
"E. Commercial peanut area means the following counties: Alachua, Calhoun, Columbia, Dixie, Escambia, Gadsden, Gilchrist, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Madison, Okaloosa, Santa Rosa, Sumter, Suwannee, Union, Wakulla, Walton, and Washington."

Issued September 19, 1940, with the approval of the  
Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division.





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SRB-401-Fla. Celery

Issued January 23, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 AGRICULTURAL CONSERVATION PROGRAM FOR THE  
FLORIDA CELERY AREA

SOUTHERN REGION BULLETIN 401

[Applicable only in Manatee, Marion, Palm Beach, Sarasota,  
and Seminole Counties, Florida.]

[Program effective from January 1, 1940 to December 31, 1940]



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Section 1. Authority, availability of funds, and applicability.

(a) Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1940, payments and grants of aid will be made for participation in the 1940 Agricultural Conservation Program for the Florida Celery Area (hereinafter referred to as the 1940 program) in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

(b) The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation, the rates of payment and deductions with respect to any commodity or item of payment may be increased or decreased by as much as 10 percent.

(c) The provisions of the 1940 program contained herein, except Sec. 9, are not applicable to (1) counties other than Manatee, Marion, Palm Beach, Sarasota, and Seminole counties, Florida; and (2) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is the United States.

Sec. 2. Farm acreage allotments and goals. The county committee, with the assistance of other local committees, shall determine acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Agricultural Adjustment Administration, and the sum of the acreage allotments for farms with respect to which allotments are determined shall not exceed their proportionate share of the county acreage allotments.

(a) Total soil-depleting acreage allotment. The total soil-depleting acreage allotment for any farm shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration special crop acreage allotments determined for

the farm. The total soil-depleting acreage allotment for any farm shall compare with the allotments determined for other farms in the same community which are similar with respect to such factors. Total soil-depleting allotments will be determined for all farms on which general crops or livestock are produced for market, and for which a celery, tobacco, or potato acreage allotment is determined.

(b) Celery allotment. Acreage allotments for celery shall be determined on the basis of tillable acreage, crop-rotation practices, type of soil, and topography, giving special consideration to small farms. Consideration shall also be given to the other special crop acreage allotments determined for the farm. The allotment for any farm shall compare with the allotments determined for other farms in the same community which are similar with respect to such factors.

(c) Tobacco allotment. An acreage allotment for flue-cured tobacco for any farm on which flue-cured tobacco was produced in one or more of the five years 1935-1939 shall be determined on the basis of the past acreage of tobacco (harvested and diverted) with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small.

The allotment for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(d) Potato allotment. In Palm Beach County, designated as a commercial potato-producing county, potato acreage allotments shall be determined for each farm on which the acreage normally planted to potatoes is determined to be 3 acres or more. Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to such factors.

(e) Commercial vegetables. An acreage allotment of commercial vegetables shall be determined for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-1937 average acreage or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal

weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

(f) Soil-building goal. The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 of the payment computed for the farm under Sec. 5 (e).

Sec. 3. Normal yields. The county committee, with the assistance of other local committees, shall determine for each farm for which a tobacco, celery, or potato acreage allotment is determined a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration. The normal yield of tobacco, celery, or potatoes, as the case may be, for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1940, with due consideration for type of soil, production practices, general fertility of the land, and the yield of such crop customarily made on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

Sec. 4. Soil-building practices. The soil-building practices listed below shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out in 1940 in accordance with specifications shown following each practice.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal: Provided, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "a State or Federal agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

The unit credits listed below are the maximum units allowable, and the credit for any practice on the item included may be adjusted downward by the State committee with the approval of the Administrator.

APPLICATION OF MATERIALS

1. Application of the following materials to, or in connection with the seeding of perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, annual ryegrass, or permanent pasture, which are not seeded or grown with a soil-depleting crop - - - - - One unit (\$1.50).

SPECIFICATIONS:

- (a) 300 pounds of 16 percent superphosphate or its equivalent.
  - (b) 500 pounds of basic slag.
  - (c) 600 pounds of raw rock or colloidal phosphate containing not less than 28 percent of total phosphorous pentoxide ( $P_2O_5$ ) and ground fine enough for 85 percent to pass through a 200-mesh sieve.
  - (d) 750 pounds of raw rock or colloidal phosphate containing not less than 18 percent of total phosphorous pentoxide ( $P_2O_5$ ) and ground fine enough for 80 percent of the raw rock phosphate to pass through a 100-mesh sieve, and for the colloidal phosphate to shake through a 6-mesh sieve and 85 percent of it to wash through a 325-mesh sieve.
  - (e) These materials must be applied at or prior to the time of seeding, except in the case of crotalaria or Natal grass in orchards and perennials, and must be distributed evenly over the area to which they are applied.
  - (f) Practice 1 is not to be used on pastures oftener than once every third year. The maximum rate of application shall not exceed 3 units per acre.
2. Application of 1,000 pounds of ground limestone or its equivalent - - - - - One unit (\$1.50).

SPECIFICATIONS: The limestone must be 90 percent or more calcium or magnesium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium or magnesium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

- 1,000 pounds of burned limestone
- 1,400 pounds of hydrated lime
- 2,000 pounds of ground oyster or coquina shells
- 2,750 pounds of limestone screenings
- 3,000 pounds of limestone from Braden Quarries

The above material must be of sufficient fineness so that 100

percent will pass through a 10-mesh sieve and 50 percent through a 100-mesh sieve.

3. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land - - - - One unit (\$1.50) an acre.

SPECIFICATIONS: Equivalent mulching materials are:

- 1-1/2 tons crotalaria or other hay-dry legumes
- 2 tons air-dry muck
- 2 tons leaves (pine needles excluded)
- 8 tons hyacinths (green basis)

Producers who expect to use this practice shall notify the county committee prior to the carrying out of this practice and shall substantiate work done by such supporting data as are required by the county committee.

#### SEEDINGS

4. Establishing a permanent vegetative cover by planting crowns of kudzu - - - - - Four units (\$6) an acre.

SPECIFICATIONS: At least 500 crowns per acre must be planted on well-prepared land. There must be a survival of 300 crowns.

5. Seeding winter legumes - - - - - One unit (\$1.50) an acre.

SPECIFICATIONS: The seedings must be at not less than the following rates per acre:

- Austrian winter peas - 30 pounds broadcast or  
20 pounds in rows
- Vetch - 20 pounds broadcast or 15 pounds in rows
- Blue lupine - 40 pounds

Unless a previous successful crop of the particular winter legume has been grown on the land, such legume must be inoculated. In fields where there is a known deficiency of lime, lime must be applied.

6. Seeding lespedeza - - - - - Two-thirds unit (\$1) an acre.

SPECIFICATIONS: Lespedeza must be seeded at not less than 20 pounds per acre.

7. Seeding annual ryegrass - - - - - One-half unit (75 cents) an acre.

SPECIFICATIONS: Annual ryegrass must be seeded at not less than 25 pounds per acre.

PASTURE

8. Establishing a permanent vegetative cover by planting sod pieces of perennial grasses - - - - - Three units (\$4.50) an acre.

SPECIFICATIONS: Plantings of Para, Carib, centipede, Bermuda, carpet, and Bahia grass will qualify. A good seedbed must be prepared. Sod pieces of canes or rooted runners must be planted at an average spacing of not more than 2-1/2 feet. Where adapted, 5 pounds of lespedeza shall also be sown in addition to sodding.

9. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, carpet, or Bahia grass - - - Two units (\$3) an acre.

SPECIFICATIONS:

- (a) Preparation of non-cropland to be seeded to permanent pasture. The acreage which is to be established in pasture by the use of grass seed shall have the native wire grass, palmetto, or other vegetation removed or destroyed and all the top soil stirred by double harrowing or its equivalent to prepare a seedbed. The seedbed for grass seed shall be firm and shallow, rather than deep and soft.
- (b) Rate of Seeding per acre:
- (1) Grasses seeded alone: At least 7 pounds of seed per acre of Bermuda or Bahia grass and 10 pounds of carpet or Dallis.
- (2) Seeding of mixtures:
- (aa) At least 5 pounds per acre of carpet grass seed plus at least 5 pounds per acre of either Dallis or Bahia or a mixture of Dallis and Bahia.
- (bb) At least 7 pounds of carpet grass seed plus at least 5 pounds of lespedeza.
- (cc) Any other mixtures of the above at equivalent rates of seeding per acre.
- (c) All preparation and seeding to be done in a workmanlike manner and in accordance with good farming practice. Producers must supply sales receipts for the quantity and kind of grass seed purchased.
10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes - - - - - 10 pounds of seed, one unit (\$1.50).

SPECIFICATIONS: The following grasses and legumes seeded alone or in mixtures shall be used:

Carpet grass, Dallis grass, Bahia grass, and White Dutch clover.

For mixtures of certain of the above grasses or legumes, those approved under practice 9 shall be used for the particular soil type. Land to be reseeded shall have a properly prepared seedbed.

Producers shall supply sales receipts for the kind and quantity of grass and legume seeds used, and such receipts shall be required to support the performance records.

11. Contour ridging of non-crop open pasture land - - - - 1,000 linear feet of ridge, one unit (\$1.50).

SPECIFICATIONS: This practice shall apply only to the area lying west of the Suwannee River. The ridges shall not be less than 3 feet wide at the base and 1 foot high, with a settled height of 8 to 10 inches. The interval between contour ridges shall not exceed one-third the terrace interval listed under practice 12.

#### EROSION CONTROL

12. Construction of standard terraces for which proper outlets are provided - - - - - 200 linear feet of terrace, one unit (\$1.50).

SPECIFICATIONS:

- (a) Terraces must be constructed on variable grades as follows:

<u>Length of terrace</u> Feet	<u>Maximum Fall per 100 ft.</u> Inches	:	<u>Length of terrace</u> Feet	<u>Maximum Fall per 100 ft.</u> Inches
0 to 100	0	:	600 to 700	3
100 to 200	1/2	:	700 to 800	3-1/2
200 to 300	1	:	800 to 900	4
300 to 400	1-1/2	:	900 to 1,000	4-1/2
400 to 500	2	:	1,000 to 1,700	5
500 to 600	2-1/2	:		

A maximum length of 1,700 feet may be allowed for draining in one direction.

- (b) Vertical spacing between terraces shall not exceed the spacing shown in the following table:

Slope of land in feet per 100 feet	Vertical distances or the drop between terraces	Horizontal distances between terraces
1 foot	2.50 feet	180 feet
2 feet	2.75 feet	140 feet
3 feet	3.00 feet	100 feet
4 feet	3.25 feet	80 feet
5 feet	3.50 feet	75 feet
6 feet	3.75 feet	63 feet
7 feet	4.00 feet	57 feet
8 feet	4.25 feet	53 feet
9 feet	4.50 feet	50 feet
10 feet	4.75 feet	48 feet
12-1/2 feet	5.25 feet	42 feet
15 feet	6.25 feet	42 feet

- (c) Size of terraces: Cross sections of terraces must have a width of bank and ditch of at least 15 to 20 feet, and a height of terrace crest above ditch bottom of 20 to 24 inches when new, a settled height of 15 to 18 inches being anticipated.
- (d) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

#### GREEN MANURE AND COVER CROPS

13. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land - - - - - One-half unit (75 cents) an acre.
- (b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land) - - - - - One unit (\$1.50) an acre.

SPECIFICATIONS: Credit will not be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately

2/3 ton per acre of air-dry legumes or winter-growing non-legumes, and approximately 1-1/2 tons per acre of air-dry summer-growing non-legumes.

14. Cowpeas, velvetbeans, crotalaria, or soybeans, interplanted or grown in combination with soil-depleting crops - - - Four acres, one unit (\$1.50).

SPECIFICATIONS: A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately 1/2 ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

#### FORESTRY

15. Planting pine trees on cropland or farm woodlots. (Farm woodlots shall in no event exceed the cropland in the farm) - - - Five units (\$7.50) an acre.

SPECIFICATIONS: The minimum rate of planting to qualify under this practice shall be 650 trees per acre. The planting shall be protected from fire, and from grazing by hogs, goats, and other livestock which will destroy the seedlings. The plantings shall be cared for in accordance with good tree-culture practice. The survival or stand of living trees shall not be less than 65 percent to qualify.

16. Planting pine trees on fenced non-crop open pasture land not considered a farm woodlot - - - - Two units (\$3) an acre.

#### SPECIFICATIONS:

- (a) The producer shall furnish a full legal description of his property to accompany his work sheet.
- (b) The producer shall furnish prior to any planting and at his expense aerial or other maps satisfactory to the county committee of the area to be planted. A map shall also be furnished of any interior holdings (giving legal description of any such area) within the fenced area that is not owned by the producer.
- (c) All planting must be done in solid blocks as nearly as possible in the mapped area. On irregularly-shaped plantings only that acreage which is in even blocks will qualify and irregular portions will be disregarded. Irregular blocks of less than 4 acres may be disapproved.
- (d) A minimum planting of 650 trees per acre is required with a minimum survival of 65 percent .
- (e) All planted areas must be protected from damage by sheep and goats.
- (f) The planted area must be protected from fire and all areas not under organized cooperative fire control with the Florida Board

of Forestry must meet the following minimum requirements:

- (1) Areas comprising less than 40 acres shall be surrounded by a plowed firebreak 8 feet wide and the area divided into approximately 10-acre blocks by a plowed firebreak 8 feet wide.
  - (2) Areas comprising 40 acres or more shall be surrounded with a plowed firebreak 16 feet wide and each 40 acres within such area shall be surrounded by a plowed firebreak 16 feet wide. In addition, the area within each 40-acre block shall be divided into 4 blocks of approximately 10 acres, with a plowed firebreak 8 feet wide.
  - (3) Clean-plowed firebreaks of specified width exposing the mineral subsoil are required. The fire lines shall be as straight as practicable but may deviate because of unusual ground conditions.
  - (g) All planting and firebreak plowing shall be done in a workmanlike manner and according to good forestry methods.
17. Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940 - - Two units (\$3) an acre.

SPECIFICATIONS:

- (a) Trees, except pines, must be cultivated twice between May and August.
- (b) A stand composed of not less than 500 pines per acre must be maintained by replanting, if necessary, with seedlings of the same species between January 1 and March 1.
- (c) The trees must be protected adequately to prevent damage by fire. Firebreaks must be constructed by plowing on sides adjacent to woodlands or fields having a fire hazard.
- (d) This practice shall apply only on cropland or farm woodlots. (Farm woodlots shall in no event exceed the cropland in the farm.)

MISCELLANEOUS

18. Growing a home garden for a landlord, tenant, or sharecropper family on a farm - - - - - One unit (\$1.50) a garden.

SPECIFICATIONS: The home garden shall be a plot of land

not less than one-tenth (.1) acre and not more than 1 acre per farm family. Such plot to be set aside for the entire year as a garden and adequately protected from livestock and poultry. The garden must be devoted during the year to a variety of food crops for home consumption only and shall contain not less than 7 different kinds of vegetables. The garden must be cared for in a workmanlike manner and according to good farm practice. Sweetpotatoes and roasting ear corn from the fields will not count as one of the 7 varieties of vegetables required to meet the above.

Sec. 5. Payment for full performance. Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

(a) Flue-cured tobacco. 1 cent per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment.

(b) Potatoes. 3 cents per bushel of the normal yield per acre of potatoes for the farm for each acre in the potato acreage allotment.

(c) Commercial vegetables. \$1.50 per acre for each acre of the acreage allotment of commercial vegetables determined for the farm.

(d) Celery. 2-1/2 cents a crate of the normal yield per acre of celery for the farm for each acre in the celery acreage allotment, or, if the acreage planted to celery is less than 80 percent of the celery acreage allotment, payment will be computed on the normal yield of an acreage equal to 125 percent of the acreage planted to celery, unless the county committee finds that failure to plant 80 percent of such celery acreage allotment was due to flood or drought: Provided, That the acreage on which payment is made shall not exceed the acreage on which an approved green manure crop is plowed or disked under. Such acreage of the green manure crop shall not count toward meeting the soil-building goal for the farm.

(e) Payments in connection with soil-building practices.  
(1) \$1.50 per acre of commercial orchards on the farm January 1, 1940.

(2) 70 cents per acre of cropland in any farm in excess of the sum of (i) the acreages used in computing payments with respect to the tobacco, celery, or potato acreage allotments determined for the farm, and (ii) the acreage of sugarcane for sugar grown on the farm in 1940.

(3) 25 cents per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

(4) \$30 or \$1.50 times the number of soil-building practice units earned by planting forest trees, whichever is smaller.

(5) If the sum of the payments computed under section 5 (excluding the amount computed under subparagraph (4) of paragraph (e) ) is less than \$20, the amount determined under subparagraphs (1), (2), and (3) of this paragraph (e) shall be increased by the amount of the difference.

Sec. 6. Payments for partial performance. Payments computed for any farm under the provisions of Sec. 5 shall be subject to all of the following deductions which are applicable to the farm:

(a) Flue-cured tobacco. 8 cents per pound of the normal yield for the farm for each acre of flue-cured tobacco in excess of the tobacco acreage allotment determined for the farm.

(b) Potatoes. (i) (Farms for which potato acreage allotments are determined) 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the potato acreage allotment.

(ii) (Farms for which potato acreage allotments are not determined in commercial potato-producing areas) 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of 3 acres.

(c) Celery. 20 cents per crate of the normal yield for the farm for each acre planted to celery in excess of the celery acreage allotment determined for the farm.

(d) Commercial vegetables. (Farms in commercial vegetable areas) \$20 per acre for each acre of land planted to commercial vegetables in excess of the commercial vegetable acreage allotment determined for the farm or 3 acres, whichever is greater.

(e) General soil-depleting crops. (Farms for which a total soil-depleting acreage allotment is established) \$5 for each acre classified as soil depleting in excess of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (d), inclusive, of this Sec. 6 or (2) the acreage of tobacco on the farm plus 20 acres, whichever is greater.

(f) Soil-building goal. \$1.50 for each unit by which the soil-building goal is not reached.

Sec. 7. Division of payments and deductions. (a) Payments and deductions in connection with acreage allotments. (1) The net payment or net deduction computed for any farm with respect to the tobacco, celery, commercial vegetable, or potato acreage allotment or general soil-depleting crops shall be divided among the landlords, tenants, and sharecroppers in the proportion (as indicated by their acreage shares)

that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of the tobacco, potatoes in Palm Beach County, general crops, celery, or commercial vegetables, respectively, grown on the farm in 1940: Provided, That if any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940.

(2) In computing such payments and such net deductions with respect to acreage allotments and general crops, the deduction with respect to total soil-depleting crops shall be regarded as pro rata deductions with respect to the payments computed under Sec. 5 in connection with crop acreage allotments.

(b) Payments in connection with soil-building practices. The amount of net payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1940, such payment shall be divided in the proportion that the units contributed by each such person to such practices bear to the total units of such practices carried out on the farm in 1940. All persons contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice, unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

(c) Proration of net deductions. If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

Sec. 8. Increase in small payments. The total payment computed under Secs. 5 to 7, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.

(2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.

(3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
2.00 to 2.99	.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	$\frac{1}{2}$
31.00 to 31.99	10.20	200.00 and over	$\frac{2}{2}$

$\frac{1}{2}$  Increase to \$200.00.

$\frac{2}{2}$  No increase.

Sec. 9. Payments limited to \$10,000. The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in Florida, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not

exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned, if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Sec. 10. Deductions incurred on other farms. (a) Other farms in the same county. If the deductions computed under Sec. 6 with respect to any farm in a county exceed the payment for full performance on such farm computed under Sec. 5, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

(b) Other farms in Florida. If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farm or farms in Florida, if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms.

Sec. 11. Deduction for association expenses. There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

Sec. 12. Materials furnished as grants of aid. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the Agricultural Adjustment Administration in the county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purpose for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

Sec. 13. General provisions relating to payments. (a) Payment restricted to effectuation of the purposes of the program.

(1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (i) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (ii) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (iii) if, with respect to forest land or woodland owned or controlled by him, he adopts or has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) Payments other than payments in connection with soil-building practices will be made only with respect to farms which are being operated in 1940.

(b) Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section and indebtedness to the United States subject to set-off orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or share-croppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

(d) Assignments. Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration, and unless the assignment has priority as determined under instructions issued by the Agricultural Adjustment Administration.

Nothing contained in this subsection (d) shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

(e) Excess cotton acreage. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1940 on land in any farm in which he has an interest in excess of the cotton acreage allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the

provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

Sec. 14. Application for payment. (a) Persons eligible to file applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 7, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) Applications for other farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

Sec. 15. Appeals. Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or

determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

Sec. 16. Instructions and forms. The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1940 program.

Sec. 17. Definitions. For the purposes of the 1940 program, unless the context otherwise requires:

Officials

(1) SECRETARY means the Secretary of Agriculture of the United States.

(2) ADMINISTRATOR means the Administrator of the Agricultural Adjustment Administration.

(3) DIRECTOR OF THE SOUTHERN DIVISION means the person in charge of the agricultural conservation programs in the Southern Region.

(4) STATE COMMITTEE means the group of persons designated within the State to assist in the administration of the agricultural conservation programs in Florida.

(5) COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

#### Areas.

(1) SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(2) FLORIDA CELERY AREA means the following counties: Manatee, Marion, Palm Beach, Sarasota, and Seminole.

(3) COMMERCIAL POTATO-PRODUCING AREA means Palm Beach County.

(4) COMMERCIAL VEGETABLE-PRODUCING AREA means the following counties: Manatee, Marion, Palm Beach, Sarasota, and Seminole.

#### Farm

(1) FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

#### Crops and land uses

(1) ACREAGE PLANTED TO POTATOES means the acreage of land seeded to potatoes for any purpose.

(2) ACREAGE PLANTED TO CELERY means the acreage of land set to celery for any purpose.

(3) SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1940 crop year to one or more of the following crops or

uses. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(a) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(b) Tobacco harvested for any purpose.

(c) Grain sorghums planted for any purpose.

(d) Cotton which reaches the stage of growth at which bolls are first formed.

(e) Sugarcane grown for any purpose.

(f) Rice planted for any purpose.

(g) Peanuts harvested for nuts or dug for hay.

(h) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(i) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(j) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(k) Sudan grass or millet harvested for grain or seed.

(l) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(m) Commercial bulbs and flowers harvested for any purpose.

(4) GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of soil-depleting acreage, except sugarcane for sugar and the crops for which special crop acreage allotments are established on the farm.

(5) COMMERCIAL VEGETABLES means the acreage of annual vegetables or truck crops (including potatoes in Manatee, Marion, Sarasota, and Seminole counties; sweetpotatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, and commercial bulbs and flowers,

but excluding celery, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

(6) COMMERCIAL ORCHARDS AND PERENNIAL VEGETABLES means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables, on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

Miscellaneous

(1) PERSON means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) LANDLORD OR OWNER means a person who owns land and rents such land to another person or operates such land.

(3) SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or of the proceeds thereof.

(4) TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon, or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon, or of the proceeds thereof.

(5) CROPLAND means farm land which in 1939 was tilled or was in regular rotation.

(6) NON-CROP OPEN PASTURE LAND means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number of grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(7) SPECIAL CROP ACREAGE ALLOTMENT means a tobacco, celery, commercial vegetable, or potato acreage allotment.

(8) ANIMAL UNIT means one cow or one horse, five sheep or five goats, two calves or two colts, or the equivalent thereof.

(SEAL)

Done at Washington, D. C., this  
23rd day of January, 1940.  
Witness my hand and the seal of  
the Department of Agriculture.

/s/ H. A. Wallace  
Secretary of Agriculture

Issued June 27, 1940

SEP 17 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 AGRICULTURAL CONSERVATION PROGRAM FOR THE  
FLORIDA CELERY AREA

SOUTHERN REGION BULLETIN 401

Supplement 1



Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program for the Florida Celery Area, Southern Region Bulletin 401, is hereby amended as follows:

(1) Section 12 is amended to read as follows:

"Sec. 12. Materials furnished as grants of aid. Wherever it is found practicable, limestone, super-phosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

"Wherever such material is furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any

such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Sec. 15."

(2) Section 13 (c) is amended to read as follows:

"(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this paragraph (c) is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Done at Washington, D. C.,  
this 27th day of June, 1940.  
Witness my hand and the seal of  
the Department of Agriculture.

/s/ H. A. Wallace  
Secretary of Agriculture



Issued October 1, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 AGRICULTURAL CONSERVATION PROGRAM FOR THE  
FLORIDA CELERY AREA

SOUTHERN REGION BULLETIN 401

Supplement 2



Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program for the Florida Celery Area, Southern Region Bulletin 401, is further amended as follows:

(1) Section 2, subsection (a) is amended by changing the last sentence to read as follows:

"Total soil-depleting allotments will be determined for all farms on which general crops or livestock are produced for market, and for which a celery, tobacco, peanut, or potato acreage allotment is determined."

(2) Section 2 is amended by changing the designation of subsection (f) to subsection (g) and by adding a new subsection (f) as follows:

"(f) Peanut allotment. In Marion County, designated as a commercial peanut-producing county, peanut acreage allotments shall be determined on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special crop acreage allotments determined for the farm."

(3) Section 3 is amended to read as follows:

"Sec. 3. Normal yields. The county committee, with the assistance of other local committees, shall determine for each farm for which a tobacco, celery, peanut, or potato acreage allotment is determined a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration. The normal yield of tobacco, celery, peanuts, or potatoes, as the case may be, for any farm shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1940, with due consideration for type of soil, production practices, general fertility of the land, and the yield of such crop customarily made on the farm. The average yield for all farms in any county

with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary."

(4) Section 5 is amended by changing the designation of subsection (e) to subsection (f) and by changing paragraph (2) thereof to read as follows:

"(2) 63 cents <sup>1/</sup> per acre of cropland in any farm in excess of the sum of (i) the acreages used in computing payments with respect to the tobacco, celery, peanut, or potato acreage allotments determined for the farm, and (ii) the acreage of sugarcane for sugar grown on the farm in 1940."

(5) Section 5 is amended by adding a new subsection (e) as follows:

"(e) Peanuts. 11-1/4 cents <sup>1/</sup> for each 100 pounds of the normal yield for each acre in the peanut allotment."

(6) Section 6 is amended by changing the designation of subsection (f) to subsection (g) and by adding a new subsection (f) as follows:

"(f) Peanuts. \$1.35 <sup>1/</sup> for each 100 pounds of the normal yield for the farm for each acre of peanuts for market in excess of the peanut acreage allotment determined for the farm."

(7) Section 7, subsection (a)(1) is amended to read as follows:

"(a) Payments and deductions in connection with acreage allotments. (1) The net payment or net deduction computed for any farm with respect to the tobacco, celery, commercial vegetable, peanut, or potato acreage allotment or general soil-depleting crops shall be divided among the landlords, tenants, and sharecroppers in the proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of the tobacco, potatoes in Palm Beach County, peanuts in Marion County, general crops, celery, or commercial vegetables, respectively, grown on the farm in 1940: Provided, That if any such crop is not grown on the

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<sup>1/</sup> The rates of payment and deduction originally announced were reduced by 10 percent by the Secretary of Agriculture in his order of July 19, 1940, pursuant to section 1(b) hereof. The above rates reflect that 10 percent reduction, and will not be further affected by such order.

farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940."

(8) Section 12, as amended, is further amended to read as follows:

"Sec. 12. Materials furnished as grants of aid. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

"Wherever such material is furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made, only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that deduction for any deficit

will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Sec. 15."

(9) Section 17 is amended by adding item (7) under "Crops and land uses" as follows:

"(7) Peanuts for market means all peanuts harvested for nuts on any farm on which any peanuts are separated from the vines by mechanical means and sold to persons not living on the farm."

(SEAL)

Done at Washington, D. C.,  
this 1st day of October, 1940.  
Witness my hand and the seal of  
the Department of Agriculture.

/s/ Paul H. Appleby  
\_\_\_\_\_  
Acting Secretary of Agriculture

SRB-401-Fla.

Supp. 3

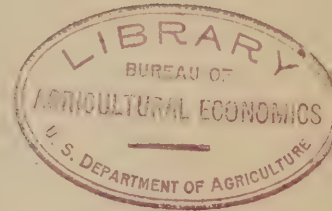
Issued December 7, 1940

508B  
No. 401-Fla.  
Suppl. 3  
JAN 29 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

FLORIDA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Florida (SRB-401-Fla.) is hereby further amended as follows:

Section 10 J is revised as follows:

"J. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

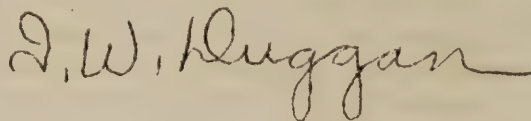
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to

compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 14, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.

A handwritten signature in dark ink, reading "I. W. Duggan". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

I. W. Duggan,  
Director, Southern Division.

Issued June 26, 1940

SEP 17 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

GEORGIA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Georgia (SRB-401-Ga.) is hereby amended as follows:

Amendment 1

Subsection E of section 3 is amended by changing the date in the third line from October 1, 1939 to February 20, 1940.

Amendment 2

Subsection D of section 4 is amended to read as follows:

"D. Peanuts for Market means all peanuts harvested for nuts on any farm on which any peanuts are separated from the vines by mechanical means and sold to persons not living on the farm."

Amendment 3

Section 6 C is amended to include Rabun County among the designated commercial vegetable counties.

Amendment 4

The specifications for practice 7 under section 8 E are amended as follows:

The seeding mixture for the Appalachian Mountain Region is amended to read as follows:

"Lespedeza - 15 pounds  
Either 1 pound White clover  
or 4 pounds Dallis grass"

Paragraph (b) of the specifications for practice 8 under section 8 E is amended as follows:

White clover shall not be required in the seeding mixture for the Appalachian Mountain Region.

The seeding mixture for the Piedmont Region and Limestone Valley and Upland Region is amended to read as follows:

"Lespedeza - 15 pounds per acre  
Dallis grass - 8 pounds per acre  
Either 1 pound White clover or  
4 additional pounds Dallis  
grass per acre"

White clover shall not be required in the seeding mixture for the Coastal Plain Region.

Amendment 6

The specifications for practice 13 under section 8 E are amended by changing the last sentence thereof to read:  
"A good growth means a growth which, if harvested for hay, would make approximately 2/3 ton per acre of air-dry legumes and winter-growing non-legumes."

Amendment 7

The last paragraph of section 9 is amended by changing the period at the end thereof to a semicolon and adding the following:

"provided further, that if cotton and asparagus are grown in alternate rows, the land shall be classified according to the actual acreage occupied by each crop."

Amendment 8

The specifications for practice 3 under section 8 E are amended to read as follows:

"SPECIFICATIONS: A minimum of 500 crowns or 1,000 seedlings per acre must be planted on well-prepared land during the dormant season; there must be a survival of at least 300 crowns or 500 seedlings per acre showing healthy growth; provided, that 500 seedlings planted per acre with a survival of 300 will qualify if the seed-

lings are planted in rows and at least 200 pounds of 16 percent superphosphate or its equivalent (for which credit will not be given under practice 1 ) is applied in the furrows, and the seedlings are cultivated in a workmanlike manner throughout the season."

Amendment 9 .

Section 11 G is amended to read as follows:

"G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may

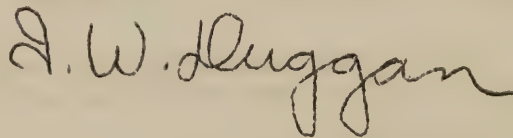
withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Amendment 10

Section 11 is amended by adding subsection K, as follows:

"K. Deductions in case of erroneous notice of acreage allotment. Notwithstanding the deduction provisions of sections 1 to 7, inclusive, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.



I. W. Duggan,  
Director, Southern Division.

SRB-401-Ga.  
Supp. 2

Issued December 7, 1940

JAN 29 1941  
No. 401-Ga  
Supp. 2

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

GEORGIA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM



Supplement 2

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Georgia (SRB-401-Ga.) is hereby further amended as follows:

Amendment 1

The second sentence of the specifications for practice 1 under section 8 E is revised as follows:

"In the case of lespedeza seeded alone, annual ryegrass, and crotalaria, application must be made at or before the time of seeding."

Amendment 2

Paragraph (b) of the specifications for practice 8 under section 8 E is revised so that carpet grass shall not be required in the seeding mixture for the Coastal Plain Region.

Amendment 3

Section 11 J is revised as follows:

"J. Materials furnished to carry out soil-building practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

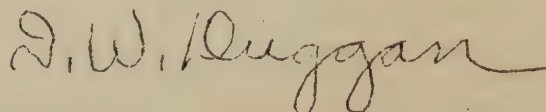
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to

whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACF-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 15, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.



I. W. Duggan,  
Director, Southern Division.

SRB-401-Ga.  
Supp. 3

Issued January 7, 1941

JAN 29 1941

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Suppl. 3

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

GEORGIA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Georgia (SRB-401-Ga.) is hereby further amended as follows:

Practice 5 under section 8 E is revised by adding the following sub-practices (a) and (b):

"5(a) Seeding not less than 25 pounds of Austrian winter peas, but less than 30 pounds per acre -- 5/6 unit (\$1.25) an acre.

"5(b) Seeding not less than 20 pounds of Austrian winter peas, but less than 25 pounds per acre -- 2/3 unit (\$1.00) an acre.

"The requirements with reference to inoculation, fertilization, and lime in the original specifications for this practice shall also apply to these new sub-practices."

Issued January 7, 1941, with the approval of the Administrator.

*C. D. Walker*

C. D. Walker,  
Acting Director, Southern Division.



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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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# LOUISIANA HANDBOOK

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## 1940 Agricultural Conservation Program

Program effective from January 1, 1940  
to November 30, 1940

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*Issued January 1940*



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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# LOUISIANA HANDBOOK

## 1940 Agricultural Conservation Program

### FOREWORD

The 1940 Agricultural Conservation Program in Louisiana is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

- (1) To help farmers get and maintain a fair share of the national income.

- (2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

- (3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

- (4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

### INTRODUCTION

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Louisiana in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 9B) are applicable only to farms in Louisiana but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other

lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies. The provisions of this handbook are also not applicable to farms in parishes for which special agricultural conservation programs are approved for 1940 by the Secretary.

### Section 1. COTTON

**A. Farm Allotments.** The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the parish or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of sugarcane for sugar and rice, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm Normal Yields.** The parish committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the parish committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all

farms in the parish or administrative area will not exceed the normal yield established for the parish or administrative area.

**C. Payments.** The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. RICE

**A. Allotments.** (1) The parish committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each farm tilled by a producer who is participating in the production of rice in 1940 and who participated in the production of rice in one or more of the 5 years 1935-1939 on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1940, taking into consideration crop-rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned to farms tilled by producers who are participating in the production of rice in 1940 for the first time since January 1, 1935, on the basis of the applicable standards of apportionment set forth in paragraph (1), except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1940 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1935-1939.

**B. Farm Normal Yields.** The State and parish committees, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1935-1939, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the parish committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for

such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1935-1939 established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields will not exceed the State average yield.

**C. Payments.** The payment is **6.5 cents** for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **65 cents** for each 100 pounds of the normal yield of the excess acres.

### Section 3. IRISH POTATOES

**A. Farm Allotments.** In Ascension, La Fourche, Pointe Coupee, Rapides, Saint James, and Terrebonne parishes, designated as commercial potato parishes, the parish committee, with the assistance of other local committees, shall determine a potato allotment for each farm for which the normal acreage of potatoes for market is determined to be 3 acres or more. Allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors. The potato allotments determined for farms in a parish shall not exceed their proportionate share of the parish potato allotment.

**B. Farm Normal Yields.** The parish committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment or for which a deduction is computed. The normal yield shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for **all** farms in the parish shall not exceed the normal yield established for the parish.

**C. Payments.** The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment. For farms for which allotments are determined in the parishes listed in subsection A, there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the larger of the allotment or 3 acres. For farms for which no allotments are determined in parishes listed in subsection A, the deduction shall be at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes for market in excess of 3 acres.

### Section 4. COMMERCIAL VEGETABLES

**A. Farm Allotments.** In parishes in the commercial vegetable area designated in subsection C, a vegetable allotment shall be determined by the parish committee, with the assistance of other local

committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-1937 average acreage or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.** The payment is \$1.50 for each acre in the vegetable allotment. There shall be a deduction for farms in the commercial vegetable parishes of \$20 for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial Vegetable Parishes** are as follows:

Ascension, East Baton Rouge, Iberia, Jefferson, LaFourche, Livingston, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John, Saint Martin, Tangipahoa, and Terrebonne.

**D. Commercial Vegetables** means the acreage of annual vegetables or truck crops (including potatoes in all parishes except Ascension, La Fourche, Saint James, and Terrebonne; sweetpotatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, sweet corn for canning and hot peppers for canning) of which the principal part of the production is sold to persons not living on the farm.

#### Section 5. TOTAL SOIL-DEPLETING CROPS

**A. Farm Allotments.** The parish committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

**B. Deductions.** For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5.00 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed or (2) the acreage on which cotton is planted plus 20 acres.

#### Section 6. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National Goal.** The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated

crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. Parish Goals.** Insofar as practicable, parish goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the parish in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the parish goal.**

**C. Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the parish committee shall determine what practices are to be carried out in meeting the goal. The parish committee may specify for any farm in the parish the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.** The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of (a) the allotments for special crops (other than commercial vegetables) for which payments are computed, and (b) the acreage of sugarcane for sugar grown on the farm in 1940;

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) **\$1.50** for each unit of credit for planting forest trees, in accordance with practice 16, not to exceed \$30.

For each unit by which the soil-building goal is not reached, \$1.50 will be deducted from the maximum soil-building assistance.

**E. Soil-Building Practices.** The soil-building practices listed below, if included in the parish soil-building goal and if not disapproved by the parish committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940 to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If

the part of the factors so furnished represents less than one-half, one half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

#### APPLICATION OF MATERIALS

1. Application of (a) 300 pounds of 16 percent superphosphate (or its equivalent) or (b) 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture—**One unit (\$1.50).**

**SPECIFICATIONS:** The material must be applied evenly over the area on which application is made. In the case of lespedeza seeded alone, winter legumes, and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with the soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve.

2. Application of 1,000 pounds of ground limestone or its equivalent—**One unit (\$1.50).**

**SPECIFICATIONS:** The limestone must be 90 percent or more calcium carbonate equivalent. The materials listed below are equivalent to 1,000 pounds of ground limestone:

- 500 pounds of burned limestone
- 700 pounds of hydrated lime
- 1,000 pounds of ground oyster shells
- 1,400 pounds of limestone screenings

Ground limestone, oyster shells, and limestone screenings must be of sufficient fineness so that 100 percent will pass through a 10-mesh sieve and 50 percent through a 100-mesh sieve.

#### SEEDINGS

3. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** Minimum rate of seeding is 20 pounds per acre. The land should be prepared in accordance with good farming practices well in advance of planting and maintained in a good state of cultivation until planting date. Alfalfa should be seeded in the fall and must be inoculated.

4. Seeding winter legumes—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** Winter legumes must be seeded not later than November 30. Crops that will qualify and the minimum seeding rates per acre are as follows:

- Hairy vetch—20 pounds
- All other vetches—25 pounds
- Austrian winter peas—30 pounds
- Bur-clover (in the bur)—6 bushels
- Melilotus indica—20 pounds

Unless a successful crop of the particular winter legume has been previously grown on the land, the seed must be properly inoculated at the time of planting. Melilotus indica and bur-clover (in the bur) do not require inoculation.

5. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

**SPECIFICATIONS:** Annual lespedeza must be seeded at not less than 20 pounds per acre and not later than March 31. Lespedeza sericea at not less than 30 pounds per acre.

6. Seeding White Dutch clover, alsike clover, or specified perennial grasses—**One-half unit (75 cents) an acre.**

**SPECIFICATIONS:** Crops that will qualify and the minimum seeding rates per acre are as follows:

White Dutch clover—10 pounds  
 Alsike clover—10 pounds  
 Bermuda grass—10 pounds  
 Carpet grass—15 pounds  
 Dallis grass—10 pounds  
 Orchard grass—20 pounds

If home-grown seed is used, the above amounts shall be doubled, except in the case of carpet grass. The above must be planted on adapted soils. Carpet grass is best adapted to low sandy soils; Dallis grass is adapted to the better soils in all sections of the State. Dallis, carpet, and Bermuda grass seeded alone will qualify under this practice, but when seeded in a pasture mixture at a full rate of seeding, as provided in practice 9, they will qualify at a higher rate of credit under practice 9.

7. Establishment of a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

**SPECIFICATIONS:** Crowns or rooted cuttings must be planted not to exceed 7 feet apart or one plant established for every 50 square feet of land area. There must be a survival of at least 300 crowns or 500 rooted cuttings per acre.

PASTURE

8. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses—**Three units (\$4.50) an acre.**

**SPECIFICATIONS:** (a) Bermuda or any other perennial grass sod adapted for the locality may be used.

(b) In addition to the sodding, one of the pasture mixtures listed under practice 9 must also be sown at the rate specified with no additional credit.

(c) Land to be sodded must be prepared as for seeding permanent pasture under practice 9, then with small turnplow lightly lay off one furrow every 3 feet (on contour). Drop pieces of sod in these furrows. Distance between pieces of sod must not be more than 2 feet in furrows. After dropping sod pieces, cover them with back furrow (loose dirt from original furrow).

(d) The sodded area must be protected from grazing until sod is well established.

9. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, or carpet grass—**Two units (\$3) an acre.**

**SPECIFICATIONS:** Establishing a permanent pasture shall be accomplished by seeding a mixture of perennial grasses and clovers, as specified below, on land prepared in a workmanlike manner. The minimum preparation on the more easily prepared soils shall consist of double disk-harrowing or its equivalent.

(1) For Alluvial Soil:

White Dutch clover—4 pounds per acre.  
 Persian clover—3 pounds per acre.  
 Black medic—2 pounds per acre.  
 Dallis grass, carpet or Bermuda grass—10 pounds per acre.

(2) For Upland Soil:

Hop clover—3 pounds per acre.  
 White Dutch clover—5 pounds per acre.  
 Dallis grass or Bermuda grass—10 pounds per acre.  
 Lespedeza—12 pounds per acre.

If Bermuda grass sod is established in accordance with specifications in practice 8 and in combination with seeding adapted seeds for the area, this practice may be counted as practice 8 with a credit of three units per acre.

**10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed, one unit (\$1.50).**

**SPECIFICATIONS:** Two or more of the grasses and legumes listed herein, when seeded in a mixture, shall constitute the mixture, except that the mixture shall not contain more than 50 percent by weight of lespedeza. Any of the grasses or legumes listed herein, except lespedeza, may be seeded alone in the amount specified.

(1) Grasses: Carpet, Dallis, Bermuda.

(2) Legumes: Lespedeza, White Dutch clover, hop clover, Persian clover, black medic.

For mixtures of certain of the above grasses or legumes, those approved under practice 9 shall be used for the particular soil type. Land to be reseeded shall have a specially prepared seedbed by breaking, disking, or the equivalent.

Producers shall supply sales receipts for the kind and quantity of grass and legume seeds used, and such receipts shall be required to support the performance records. If seed used are home grown, a signed statement acknowledged before an officer of the parish association shall be required to support the performance records.

**11. Contour ridging or terracing non-crop open pasture land—1,000 linear feet of ridge or terrace, one unit (\$1.50).**

**SPECIFICATIONS:** (a) Contour ridges will not be accepted on pasture land where the slope exceeds 20 percent or slopes less than 2 percent and must be laid off on the level.

(b) Horizontal spacing between contour ridges must not exceed 20 feet on the more gentle slopes, and on the steeper slopes must not exceed 10 feet.

(c) Base width of contour ridges must be from 4 to 6 feet wide; 4 feet on the steeper slopes, and 6 feet on the more gentle slopes. The ridges must be 10 inches in height measured from the bottom of the water channel to the top of the ridge.

(d) On badly eroded land contour ridges must be constructed with the ends curved uphill, and channel should be blocked every 25 to 30 feet. Contour ridges must not extend across a gully, but rather the ends must be curved up to divert water from the gully.

#### EROSION CONTROL

**12. Construction of standard terraces for which proper outlets are provided—200 linear feet of terrace, one unit (\$1.50).**

**SPECIFICATIONS:** (a) Terraces constructed on cropland with a slope in excess of 8 percent will not be approved, except that the terracing of Red Bay or Greenville soils will be approved up to a 12 percent slope when recommended by the parish committee, and small areas with a slope in excess of 8 percent in fields where it is necessary to include these areas in order to complete the terrace system will be approved.

(b) Vertical spacing between terraces should not exceed by more than 6 inches the slope in percent plus 2 divided by 2. Where the vertical distance between terraces exceeds this formula by more than 6 inches, the terraced area will not be approved.

(c) The variable grade for the terrace channel must not exceed 3 inches for 100 linear feet, except in exceptional cases where the length of the terrace is extended in order to obtain a suitable outlet, a grade of 4 inches per 100 feet is satisfactory.

(d) The length of a terrace shall not exceed 1,500 linear feet in one direction except where necessary to obtain a suitable outlet.

(e) The base width of terraces must not be less than 16 feet. Measurements will be made at the narrowest points in the terraces.

(f) The settled height of the terrace shall not be less than 18 inches as measured from the bottom of the water channel. Measurements will be made from the lowest points in the terraces.

(g) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

### 13. Stripcropping with alternate strips of close-grown crops and intertilled crops—**Four acres, one unit (\$1.50).**

SPECIFICATIONS: (a) Strips in connection with terraces:

#### (1) Location:

(i) On new terraces (1st year) 6 feet below terrace to 6 feet above water channel.

(ii) On old terraces (after 1st year) minimum width of 12 feet just above terrace water channel, or on old terraces (after 1st year) midway between terraces with minimum width of 12 feet per strip.

#### (2) Ground Coverage:

(i) Crops used for strips shall be close drilled or broadcast or in close rows not to exceed 18 inches in width.

(ii) The stand secured shall be sufficient to cover the ground and reduce soil washing.

#### (3) Approved Crops:

(i) Lespedeza, Sudan grass, sorghums, soybeans, cowpeas alone or in combination with Sudan grass or sorghums.

(ii) Any other close-growing fibrous rooted crop which affords protection equal to crops listed by name.

#### (b) Stripcropping alone:

(1) Strips of erosion-resisting crops shall occupy a minimum of approximately 30 percent of the land area and the strips shall have a minimum width of 25 feet.

(2) Slopes shall not average more than 4 percent.

(i) The alternate strips of intertilled crops shall not exceed 100 feet in width per strip.

(ii) All strips shall be planted on the contour.

(iii) The ground coverage and crops shall be the same as specified under subsection (a) of this section.

### GREEN MANURE AND COVER CROPS

### 14. Green manure and cover crops of legumes, or mixtures of winter legumes and oats or rye—**One unit (\$1.50) an acre.**

SPECIFICATIONS: Credit will **not** be given for crops or mixtures except those indicated below, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. The crops that may qualify under this practice are as follows: Oats or rye grown in combination with 25 percent of vetch or other suitable winter legume; winter legumes such as vetch, Austrian or other winter peas, melilotus and bur-clover; and summer legumes such as cowpeas, soybeans, velvetbeans, crotalaria, sesbania, or others of similar merit.

A summer legume turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth of the green manure or cover crop must be obtained and left on the land or turned under. A good stand means average coverage under normal conditions. A good growth means a growth which would make approximately  $\frac{2}{3}$  ton per acre of air-dry hay.

15. Cowpeas, velvetbeans, soybeans, or crotalaria, interplanted or grown in combination with soil-depleting crops—**Four acres, one unit (\$1.50).**

**SPECIFICATIONS:** A good stand and good growth must be obtained, and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately  $\frac{1}{2}$  ton per acre of air-dry material.

When the legumes listed above are interplanted in the same rows or on every row with the soil-depleting crop, the legumes must be planted at the same time as the soil-depleting crop; except in the sugarcane for sugar parishes and other parishes having a predominantly alluvial soil with sufficient moisture to normally produce the required growth, in which parishes the legumes may be planted in the row or between the rows after the soil-depleting crop is planted. Legumes grown in alternate rows with soil-depleting crops in any parish may be planted after the soil-depleting crop.

#### FORESTRY

16. Planting forest trees—**Five units (\$7.50) an acre.**

**SPECIFICATIONS:**

(a) **Time of planting:** Planting to be done during the dormant season.

(b) **Kinds of trees:** Tree species to include any of the following kinds: Loblolly, longleaf, slash, and shortleaf pines, red cedar, black locust, yellow poplar, white and green ashes, red and white oaks, catalpa, Bois D'Arc, to be planted either in pure or mixed stands. Seedlings (or transplants) to be mostly 1-year old up to 3-years old.

(c) **Number and spacing:** 1,000 trees per acre must be planted of shortleaf or loblolly pines, red cedar, or black locust, and 700 per acre of slash or longleaf pines or of hardwood species. This calls for spacings of about 6 by 7 feet apart for the shortleaf and loblolly, and 8 by 8 feet apart for the other pines and hardwoods.

(d) **Method of planting:** For planting black locust and other hardwoods the ground must be flat-broken or wide-bedded with plow at least 2 months in advance of planting. For pines no preparation is required. Ample holes must be dug to take all roots without curling main taproot, with the dirt to be drawn into hole and thoroughly packed around roots without injury, and the trees to be set **tight in the ground** in planting.

(e) **Cultivation:** The hardwoods must be cultivated at least once the first growing season.

(f) **Protection:** The plantings must be adequately protected against injury from fire and livestock.

(g) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

17. Cultivating, protecting, and maintaining (by replanting if necessary) a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—**Two units (3) an acre.**

**SPECIFICATIONS:** (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less** than 500 pines or cedars per acre or 350 hardwood trees per acre must be maintained (by replanting if necessary) with seedlings of the same species between January 1 to March 1.

(c) The trees must be protected adequately to prevent damage by fire. All plantings of hardwood species must be fully protected from livestock by the construction of fences, if necessary. Firebreaks must be constructed by plowing or burning on sides adjacent to woodlands or fields having a fire hazard.

#### MISCELLANEOUS

18. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) a garden.**

**SPECIFICATIONS:** (a) There must be at least one-fourth acre of garden for each family.

(b) The garden shall be planted in one piece of ground and be in production as nearly as possible throughout the year. A standard garden should

contain at least 12 different vegetables, and there must be evidence of 6 different vegetables at the time performance is checked. Adequate protection from livestock must be provided.

(c) The soil must be properly plowed and worked before seeding and must be kept free of weeds and in a good state of cultivation after planting.

#### Section 7. SOIL-DEPLETING ACREAGE

(a) **Soil-depleting acreage** means the acreage of land devoted during the 1940 crop year<sup>1</sup> to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Grain sorghums planted for any purpose.

(3) Cotton which reaches the stage of growth at which bolls are first formed.

(4) Sugarcane grown for any purpose.

(5) Rice planted for any purpose.

(6) Peanuts harvested for nuts or dug for hay.

(7) Annual truck and vegetable crops planted for any purpose except when grown in home gardens for use on the farm.

(8) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(9) Peas planted for canning or freezing except when used as green manure or grown in home gardens for use on the farm.

(10) Small grains:

(a) Wheat, oats, barley, rye, or mixtures of these crops, harvested for grain.

(b) Wheat, oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza is seeded in a workmanlike manner before the small grain is cut, and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 percent by weight of vetch or Austrian winter peas.

(11) Sudan grass or millet harvested for grain or seed.

(12) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(13) Commercial bulbs and flowers harvested for any purpose.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such

<sup>1</sup> For commercial vegetables in commercial vegetable parishes designated in Section 4C, the 1940 crop year shall include December 1940.

acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if after reaching the bolling stage the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same as above; that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, except that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land;

(2) If commercial vegetables (or potatoes) and sugarcane or commercial vegetables (or potatoes) and another crop for which a special acreage allotment is determined are grown on the same acreage, all of the land shall be considered as planted to sugarcane or the crop other than commercial vegetables (or potatoes) for which the special acreage allotment is determined, and in addition, all of the land shall be considered as planted to commercial vegetables (or potatoes) if the commercial vegetables (or potatoes) are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables (or potatoes) are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables (or potatoes).

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point  $13\frac{1}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

## Section 8. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and Deductions for Acreage Allotments.** (1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, or insects, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the parish committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the parish committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) The deduction for total excess soil-depleting crops shall be made pro rata from the payments computed for special crop acreage allotments.

**B. Soil-Building Practice Payments.** The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the parish committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the parish committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the parish committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of Net Deductions.** If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect

to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

**Section 9. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS**

**A. Increase in Small Payments.** The total payment computed under sections 1 to 8, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**B. Payments Limited to \$10,000.** The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in Louisiana shall not exceed the sum of \$10,000, prior to deduction for association expenses in the parish or parishes with respect to

which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000, prior to deduction for association expenses in the parish or parishes with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions Incurred on Other Farms.** (1) The net deduction computed for any landlord or tenant under sections 1 to 6, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the parish.

(2) The net deduction computed for a landlord or tenant in a parish shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for Association Expenses.** There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the parish agricultural conservation association in the parish in which the farm is located.

**E. Payment Restricted to Effectuation of the Purposes of the Program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the parish committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

**F. Payment Computed and Made Without Regard to Claims.** Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off

orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the parish committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the parish committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess Cotton Acreage.** Any person who makes application for payment with respect to any farm located in a parish in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes

or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the parish committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the parish committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Use of Soil-Conserving Crops for Market.** In Acadia, Cameron, and Vermilion parishes, payment will not be made with respect

to any farm unless on such farm in 1940 an acreage of cropland equal to the smaller of the following is withheld from the production of soil-depleting crops and from the production of soil-conserving crops for market:

(1) The amount by which the normal acreage of soil-depleting crops on the farm exceeds the total soil-depleting acreage allotment for such farm or

(2) the amount by which the normal acreage of soil-depleting crops on the farm exceeds the acreage devoted to soil-depleting crops on such farm in 1940;

provided, that payment shall not be denied any farmer for using soil-conserving crops for market, if on the farm in question—

(a) the increase above normal in the number of dairy cows does not exceed two cows, or

(b) the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of cows, or

(c) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm.

#### **K. Materials Furnished to Carry Out Soil-Building Practices.**

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any parish, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the parish committee shall be final when approved by the State committee, subject to the right of appeal.

### **Section 10. APPLICATION FOR PAYMENT**

**A. Persons Eligible to File Applications.** An application for payment for a farm may be made by any person who, under the provisions of section 8, shares in the payment which may be com-

puted for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and Manner of Filing Application and Information Required.** Payment will be made only upon application submitted through the parish office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the parish office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each parish committee and making copies of the same available to the press.

**C. Application for Other Farms.** If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a parish and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

#### Section 11. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the parish committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The parish committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the parish committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the parish or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in

the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the parish committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

## Section 12. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the parish committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the parish or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the parish or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof, and in the case of rice also means a person furnishing water for a share of the rice.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage

suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, rice, vegetable, or potato acreage allotments.

(10) **General soil-depleting crops or general crops** means all crops listed in section 7 as soil depleting, except cotton, rice, commercial vegetables, and potatoes for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

#### Section 13. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

*J. W. Duggan*

*Director, Southern Division.*



Issued June 26, 1940.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

LOUISIANA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM



Supplement 1

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Louisiana (SRB-401-La.) is hereby amended as follows:

Amendment 1

Section 9 G is amended to read as follows:

"G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

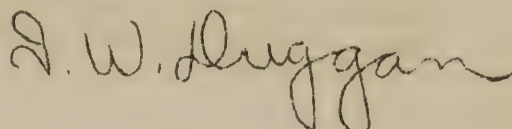
"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Amendment 2

Section 9 is amended by adding subsection L, as follows:

"L. Deductions in Case of Erroneous Notice of Acreage Allotment. Notwithstanding the deduction provisions of sections 1 to 5, inclusive, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.



I. W. Duggan,  
Director, Southern Division.

Issued September 19, 1940

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

LOUISIANA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Louisiana (SRB-401-La.), as amended, is further amended as follows:

Amendment 3

Soil-building practice 6 under section 6 E is amended to read as follows:

- "6. Seeding White Dutch clover, Alsike clover, Italian ryegrass, or specified perennial grasses--  
One-half unit (75 cents) an acre.

SPECIFICATIONS: Crops that will qualify and the minimum seeding rates per acre are as follows:

White Dutch clover - 10 pounds  
Alsike clover - 10 pounds  
Bermuda grass - 10 pounds  
Carpet grass - 15 pounds  
Dallis grass - 10 pounds  
Orchard grass - 20 pounds  
Italian ryegrass - 20 pounds

If home-grown seed is used, the above amounts shall be doubled, except in the case of carpet grass. The above must be planted on adapted soils. Carpet grass is best adapted to low sandy soils; Dallis grass is adapted to the better soils in all sections of the State. Dallis, carpet, and Bermuda grass seeded alone will qualify under this practice, but when seeded in a pasture mixture at a full rate of seeding, as provided in practice 9, they will qualify at a higher rate of credit under practice 9."

Issued September 19, 1940, with the approval of the Administrator.

*I. W. Duggan*  
I. W. Duggan,  
Director, Southern Division.



Issued December 7, 1940

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

LOUISIANA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Louisiana (SRB-401-La.) is hereby further amended as follows:

Section 9 K is revised as follows:

"K. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such

damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 13, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.

*I. W. Duggan*

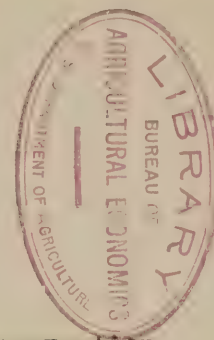
I. W. Duggan,  
Director, Southern Division.

Issued February 13, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

LOUISIANA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 4



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Louisiana (SRB-401-La.) is hereby further amended as follows:

Practice 4 under section 6 E is revised by adding the following subpractices:

"4(a) Seeding not less than 25 pounds of Austrian winter peas but less than 30 pounds per acre -- 5/6 unit.

"4(b) Seeding not less than 20 pounds of Austrian winter peas but less than 25 pounds per acre -- 4/6 unit.

"4(c) Seeding not less than 17 pounds of hairy vetch but less than 20 pounds per acre -- 5/6 unit.

"4(d) Seeding not less than 14 pounds of hairy vetch but less than 17 pounds per acre -- 4/6 unit.

"4(e) Seeding not less than 21 pounds of vetch (other than hairy vetch) but less than 25 pounds per acre -- 5/6 unit.

"4(f) Seeding not less than 17 pounds of vetch (other than hairy vetch) but less than 21 pounds per acre -- 4/6 unit.

"4(g) Seeding not less than 17 pounds of melilotus indica but less than 20 pounds per acre -- 5/6 unit.

"4(h) Seeding not less than 14 pounds of melilotus indica but less than 17 pounds per acre -- 4/6 unit.

"The requirements with reference to inoculation in the original specifications for this practice shall also apply to these new subpractices."

Issued February 13, 1941, with the approval of the Acting Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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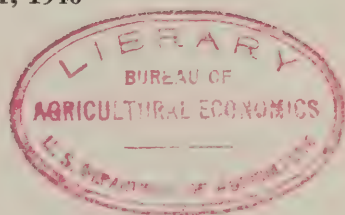
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## 1940 Agricultural Conservation Program

Program effective from January 1, 1940  
to November 30, 1940

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*Issued January 1940*



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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## FOREWORD

The 1940 Agricultural Conservation Program in Mississippi is a continuation of the conservation program which has been in effect for the last 4 years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are :

- (1) To help farmers get and maintain a fair share of the national income.

- (2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

- (3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

- (4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, National, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the Nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

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## MISSISSIPPI HANDBOOK

### 1940 Agricultural Conservation Program

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Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Mississippi in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 7B) are applicable only to farms in Mississippi but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under Government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies.

#### Section 1. COTTON

**A. Farm allotments.**—The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm normal yields.**—The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.**—The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage planted to cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. COMMERCIAL VEGETABLES

**A. Farm allotments.**—In Copiah, Hinds, Jones, Lauderdale, Lincoln, and Walthall Counties, designated as commercial vegetable counties, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936–37 average acreage or the average of a later period adjusted to the 1936–37 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.**—The payment is **\$1.50** for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of \$20 for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial vegetables** means the acreage of annual vegetables or truck crops (including potatoes, sweetpotatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs, and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

### Section 3. TOTAL SOIL-DEPLETING CROPS

**A. Farm allotments.**—The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

**B. Deductions.**—For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreages of special crops for which deductions are computed or (2) the acreage on which cotton is planted plus 20 acres.

### Section 4. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National goal.**—The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County goals.**—Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

**C. Farm goals.**—The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be

those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.**—The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of the allotments for special crops (other than commercial vegetables) for which payments are computed.

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940.

(3) **25 cents** per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

(4) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 16, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance.

**E. Soil-building practices.**—The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940, to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the A. A. A., such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

#### APPLICATION OF MATERIALS

1. Application of (a) 300 pounds of 16 percent superphosphate (or its equivalent) or (b) 500 pounds of basic slag or colloidal or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or permanent pasture—**One unit (\$1.50)**.

**SPECIFICATIONS.**—The material must be applied evenly over the area on which application is made. In the case of lespedeza seeded alone, winter legumes and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. The crops to which the material is applied

must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with a soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve. 100 pounds of triple superphosphate are equivalent to 300 pounds of 16 percent superphosphate.

## 2. Application of 1,500 pounds of ground limestone or its equivalent— **One unit (\$1.50).**

**SPECIFICATIONS.**—The limestone must be 90 percent or more calcium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

1,000 pounds of burned limestone.	2,750 pounds of limestone screenings.
1,400 pounds of hydrated lime.	2,000 pounds of calcium silicate.
2,000 pounds of ground oyster shells.	

The above materials must be of sufficient fineness so that 100 percent will pass through a 10-mesh sieve and 50 percent through a 100-mesh sieve. The limestone must be made available to the plants in permanent pasture which may be done by applying and following by light disking. On cultivated land the limestone must be incorporated in the soil.

### SEEDINGS

## 3. Establishing a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

**SPECIFICATIONS.**—At least 500 crowns or 1,000 seedlings of kudzu per acre must be planted. There must be a survival sufficient to give one living crown for each 140 square feet of the area planted or 300 living crowns or 500 living seedlings per acre. Kudzu crowns should not be less than 2 years old, or the seedlings not less than three-eighths inch in diameter.

## 4. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

**SPECIFICATIONS.**—Alfalfa must be inoculated and seeded at a minimum rate of 20 pounds an acre. The land must be prepared in accordance with good farming practices well in advance of planting time and maintained in a good state of cultivation until planting date.

## 5. Seeding winter legumes—**One unit (\$1.50) an acre.**

**SPECIFICATIONS.**—Winter legumes must be seeded not later than November 15, at not less than the following minimum rates per acre:

Vetch—25 pounds.
Austrian winter peas—35 pounds.
Clean crimson clover (or its equivalent in chaffy seed)—20 pounds.
Bur-clover (in the bur)—10 bushels.

Unless a successful crop of vetch or Austrian winter peas has been previously grown on the land, the seed must be properly inoculated at planting time. Crimson clover must be inoculated in all cases. If the land is deficient in phosphate or lime to the extent that these crops cannot be successfully grown, these materials must be applied. In planting winter legumes on land subject to erosion (in excess of 3 percent slope), the surface of the soil must be left in beds approximately on the contour.

## 6. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

**SPECIFICATIONS.**—Annual lespedeza must be seeded at not less than 20 pounds per acre, and lespedeza sericea at not less than 30 pounds per acre.

7. Seeding annual or biennial sweetclover, specified biennial or perennial legumes, or perennial grasses—**One-half unit (75 cents) an acre.**

**SPECIFICATIONS.**—Crops that will qualify and the minimum seeding rates per acre are as follows:

Annual or biennial sweetclover—20 pounds.  
 Alsike clover—10 pounds.  
 White Dutch clover—5 pounds.  
 Orchard grass—20 pounds.  
 Bermuda grass—10 pounds.  
 Carpet grass—15 pounds.  
 Dallis grass—15 pounds.

Annual sweetclover must be inoculated in all cases. If unhulled lespedeza sericea or home-grown Dallis grass seed is used, the above amount shall be doubled. Carpet, Dallis, or Bermuda grass seeded alone will qualify under this practice, but when seeded in a pasture mixture at a full rate of seeding, as provided under practice 8, they will qualify at a higher rate of credit under practice 8.

The seed must be planted on adapted soils. Biennial sweetclover must be seeded on natural lime soils or where sufficient lime has been applied to warrant good growth. Carpet grass is best adapted to the southern part of the State, especially on low sandy soils; Dallis grass is adapted to the better soils in all sections of the State, while orchard grass is adapted only in the northern half of the State. For mixtures of the above, pro rata pounds of seed in the mixture should be used.

#### PASTURE

8. Establishing permanent vegetative cover by planting sod pieces of perennial grasses—**Three units (\$4.50) an acre.**

**SPECIFICATIONS.**—Sod pieces must be planted in checks not more than 3 feet each way. The sod may be obtained by mulch sodding or sprig sodding. In addition to sodding, a mixture of the legumes and grasses listed under practice 9 must be seeded at not less than half the rate specified for that practice, with no additional credit.

9. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, or carpet grass—**Two units (\$3) an acre.**

**SPECIFICATIONS.**—The establishment of permanent pasture by seeding to a mixture of the following perennial grasses and clovers according to soil conditions. The mixtures below give the minimum rate of seeding. Noncropland to be seeded to permanent pasture shall be stirred by double harrowing or its equivalent. Producers shall supply sales receipts for the kind, quantity, and quality of grass and legume seed used and such receipts shall be required to support the performance records.

**Lime soils** (as in Delta, Northeast Prairie, and Central Prairie sections)—

Seed mixture:	Pounds per acre
Dallis Grass-----	8
White Dutch clover-----	3
Black Medic-----	2
Lespedeza-----	6
White sweet clover (biennial)-----	5

**Neutral to slightly acid soils** (as in Brown Loam, Delta, Northeast Prairie, and Central Prairie sections)—

Seed mixture:	Pounds per acre
Dallis grass-----	10
White Dutch clover-----	3
Lespedeza-----	10

**Acid fertile upland and valley soils—**

Seed mixture:	<i>Pounds per acre</i>
Dallis grass.....	10
White Dutch clover.....	3
Yellow Hop clover.....	2
Lespedeza.....	10

**Acid nonfertile upland and valley soils—**

Seed mixture:	<i>Pounds per acre</i>
Dallis grass.....	8
Yellow Hop clover.....	3
Lespedeza.....	10

**Low, sandy, nonfertile soils (as in parts of south Mississippi)—**

Seed mixture:	<i>Pounds per acre</i>
Carpet grass.....	5
Yellow Hop clover.....	2
Lespedeza.....	12
White Dutch clover (if potash and phosphate used).....	3

**10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed for one unit (\$1.50).**

**SPECIFICATIONS.**—The following grasses and legumes seeded alone (except lespedeza) or in mixtures shall be used, except that the mixture shall not contain more than 50 percent by weight of common lespedeza:

1. Grasses: Carpet and Dallis.
2. Legumes: Lespedeza, White Dutch clover, Black Medic, Yellow Hop clover, Biennial White sweet clover.

For mixtures of certain of the above grasses or legumes, those approved under practice 9 shall be used for the particular soil type. Land to be reseeded shall have a specially prepared seedbed by disking or the equivalent.

Producers shall supply sales receipts for the kind, quantity, and quality of grass and legume seeds used, and such receipts shall be required to support the performance records.

**11. Construction of reservoirs and dams—10 cubic yards of material moved in making the fill or excavation, one unit (\$1.50).**

**SPECIFICATIONS.**—The reservoir or dam to be constructed must be determined by the county committee to be an efficient means of preventing erosion. The county committee must approve the site before construction is begun.

This practice must be performed in accordance with detailed specifications approved by the State committee and the Director of the Southern Division which may be obtained from the county office.

**EROSION CONTROL****12. Construction of standard terraces for which proper outlets are provided—200 linear feet of terrace for one unit (\$1.50).**

**SPECIFICATIONS.**—(a) **Slope.**—The construction of terraces on cropland will be approved for sandy soils on slopes not to exceed 8 percent and on clay soils not to exceed 10 percent slope. Terraces may be constructed on pasture land with slopes up to 10 percent for sandy soils and 15 percent for clay soils.

(b) **Location.**—The terrace line location shall fall upon and conform to the belts of erosion symptoms—the upper rims of gullies, fingers, bald spots, and slope changes.

(c) **Grade.**—The number of inches fall per 100 feet terrace should be the same number as the number of feet and fractions as measures the elevation spacing between terraces located as above.

Spacing:	Grade	Spacing:	Grade
1 foot -----	1 inch.	2½ feet -----	2 inches.
1½ feet -----	1 inch.	3 feet -----	3 inches.
2 feet -----	2 inches.		

This number should not exceed 3.

(d) **Direction.**—Except where hazards of fences, property lines, dunes, and drainage problems forbid, the direction of terrace flow should be away from the natural water dividing ridge and toward the normal natural drainage depression.

(e) **Dimensions.**—The terrace must be at least 12 feet wide from center of channel of flow line across to the foot of the terrace base on lower side. The height or ridge above the flow line must be at least 17 inches when freshly built or 14 inches after settling. The ridge must be smoothly curved. Fresh fills across gullies or depressions must be one-fifth higher to compensate for settling and weathering. The minimum cross section of the terrace channel must be 5 square feet. The flow line should be either upon the grade line or one-fourth the width of the terrace above the grade line.

(f) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments. Terracing of cropland and pasture done under supervision and specifications of Soil Conservation Service engineers using Ramser's tables or above specifications is acceptable.

### 13. Stripcropping—4 acres for one unit (\$1.50).

**SPECIFICATIONS.**—Stripcropping shall consist of strips of erosion-resisting crops alternating with strips of erosion-permitting row crops:

(a) All strips of erosion-resisting crops shall be sown broadcast or close drilled so as to cover the land uniformly and shall average not less than 40 feet in width.

(b) The strips of erosion-resisting crops must occupy at least 25 percent of the land on slopes up to 4 percent, 33⅓ percent on slopes from 4 to 8 percent, and 50 percent of the land on slopes over 8 percent. Slopes in excess of 4 percent must be terraced.

(c) The erosion-resisting strips devoted to summer growing crops shall not be broken until the following spring unless—

(1) A winter erosion-resisting crop is sown at the time of breaking, or

(2) A winter erosion-resisting crop is sown on the interval between strips at the time of fall breaking.

(d) Summer crops approved for stripcropping shall be soybeans, cowpeas, sorghum, lespedeza, crotalaria, and Sudan grass.

(e) Approved crops for winter stripcropping shall be Austrian winter peas, vetch, crimson and bur clover, ryegrass, and small grains if seeded with drill on the contour.

(f) The strips must be perennials on slopes over 8 percent.

#### GREEN MANURE AND COVER CROPS

### 14. Green manure and cover crops of vetch, Austrian winter peas, bur clover, crimson clover, crotalaria, soybeans except where the seed is harvested by mechanical means, cowpeas, or velvet beans— One unit (\$1.50) an acre.

**SPECIFICATIONS.**—Credit will not be given for crops except those listed above. A summer legume turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on

the land or turned under. A good growth means a growth which would make approximately two-thirds ton per acre of air-dry hay.

15. Cowpeas, velvetbeans, crotalaria, or soybeans, interplanted or grown in combination with soil-depleting crops—**4 acres, one unit (\$1.50); except in Madison County, 6 acres shall equal one unit (\$1.50).**

**SPECIFICATIONS.**—A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately one-half ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet). Legumes planted in soil-depleting crops at lay-by time will not qualify under this practice.

#### FORESTRY

16. Planting forest trees—**5 units (\$7.50) an acre.**

**SPECIFICATIONS.**—Planting must be done during dormant stage. Trees that will qualify for planting are loblolly pine, cottonwood, black walnut, shortleaf pine, slash pine, longleaf pine, black locust, oaks, ash, hickories, catalpa, Bois D'Arc, and yellow poplar. Trees must be planted 6 feet by 7 feet, or in such a manner which will result in 1,000 trees per acre. A survival of 600 per acre of planted trees is required. Soil preparation by flat breaking or bedding is required for black locust and other hardwoods. Plantings must be adequately protected from fire and animals. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

17. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between January 1, 1937, and January 1, 1940—**Two units (\$3) an acre.**

**SPECIFICATIONS.**—(a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less than 600 trees per acre** must be maintained by replanting, if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. All plantings of hardwood species must be fully protected from livestock by the construction of fences, if necessary. Firebreaks must be constructed by plowing or burning on sides adjacent to woodlands or fields having a fire hazard.

18. Improving a stand of forest trees—**Two units (\$3) an acre.**

**SPECIFICATIONS.**—This practice is applicable only in Itawamba, Clarke, Greene, Perry, George, Jackson, Hancock, and Pearl River Counties. The county committee must approve this practice and the area on which it is to be carried out prior to the institution of the practice, and the county committee shall not approve such practice unless the area on which it is to be carried out is unprotected from fire and has dead, diseased, insect-infested, crooked, and limby trees or undesirable species which need removing, and when removed will leave in excess of 100 potential timber trees of desirable species at least 6 inches in diameter per acre or 200 trees at least 3 inches in diameter per acre well-distributed over the area.

(a) Dead, diseased, insect-infested, crooked, and limby trees, and undesirable species which will not produce profitable forest products and which are interfering with the growth of trees included in the stand shall be removed.

(b) Fire must be kept out of the area from January 1, 1940, to November 30, 1940. A fire lane at least 6 feet wide shall be made by exposing the mineral soil. Fire lanes so constructed shall divide the area into blocks consisting of not more than 20 acres per block.

(c) At least 17 feet of the main stem of potential timber trees of desirable species shall be close-pruned, provided that such pruning shall not be more than half the total height of the tree.

(d) The area shall be adequately protected from grazing by livestock which will be harmful to the trees.

(e) Open spaces or those resulting from the removal of dead, diseased, insect-infested, crooked, and limby trees or undesirable species must be planted to forest trees of a desirable species without additional credit.

#### MISCELLANEOUS

### 19. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) a garden.**

**SPECIFICATIONS.**—(a) There must be at least one-fourth acre (excluding sweetpotatoes) of garden for each family.

(b) The garden (excluding sweetpotatoes) shall be planted in one piece of ground and must be devoted to vegetables throughout the year. At least 10 different vegetables must be produced which may include roasting ear corn, crowder or field peas, tomatoes, and sweetpotatoes grown outside the garden plot. Two or more families on the same farm may combine their gardens into a common area. Suggested basic vegetables include sweetpotatoes, Irish potatoes, collards, turnip greens, turnip roots, snap beans, crowder or field peas, lima beans, cabbage, tomatoes, onions and okra.

(c) The garden area must be adequately protected from livestock and the soil must be properly plowed and worked before seeding and must be kept free from weeds and in a good state of cultivation after planting.

(d) Spring planting of garden vegetables must be completed by June 1. Successive plantings should be made throughout the year with late plantings completed in time for harvest of the vegetables before killing frosts.

(e) An effort must be made to control insect pests.

### Section 5. SOIL-DEPLETING ACREAGE

(a) **Soil-depleting acreage** means the acreage of land devoted during the 1940 crop year<sup>1</sup> to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose.

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugarcane grown for any purpose.

(6) Rice planted for any purpose.

(7) Peanuts harvested for nuts or dug for hay.

(8) Annual truck and vegetable crops, planted for any purpose, except when grown in home gardens for use on the farm.

(9) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(10) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(11) Small grains:

(a) Wheat, oats, barley, rye, or mixtures of these crops, harvested for grain.

(b) Wheat, oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.

(12) Sudan grass or millet harvested for grain or seed.

(13) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet

<sup>1</sup> For commercial vegetables in commercial-vegetable counties designated in section 2A, the 1940 crop year shall include December 1939.

sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(14) Commercial bulbs and flowers harvested for any purpose.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, except that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land;

(2) If commercial vegetables and cotton are grown on the same acreage, all of the land shall be considered as planted to cotton; and in addition, all of the land shall be considered as planted to commercial vegetables if the commercial vegetables are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables.

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *except* that where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are three rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance

with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips or both with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

## Section 6. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions for acreage allotments.**—(1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failures, etc.**—If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, or insects, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.**—If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) The deduction for excess total soil-depleting crops shall be made pro rata from the payments computed for special crop acreage allotments.

**B. Soil-building practice payments.**—The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of net deductions.**—If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

### Section 7. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections 1 to 6, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	(1)
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(2)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in Mississippi, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any schemes or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—(1) The net deduction computed for any landlord or tenant under sections 1 to 4, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for association expenses.**—There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment restricted to effectuation of the purposes of the program.**—(1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

**F. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from a person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.**—Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the A. A. A., and unless the assignment has priority as determined under instructions issued by the A. A. A.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment, provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment, provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without

his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Use of soil-conserving crops for market.**—In Greene, Lamar, and Pearl River Counties, payment will not be made with respect to any farm unless on such farm in 1940 an acreage of cropland equal to the smaller of the following is withheld from the production of soil-depleting crops and from the production of soil-conserving crops for market:

(1) The amount by which the normal acreage of soil-depleting crops on the farm exceeds the total soil-depleting acreage allotment for such farm, or

(2) The amount by which the normal acreage of soil-depleting crops on the farm exceeds the acreage devoted to soil-depleting crops on such farm in 1940;

provided, that payment shall not be denied any farmer for using soil-conserving crops for market, if on the farm in question—

(a) The increase above normal in the number of dairy cows does not exceed two cows, or

(b) the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of cows, or

(c) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm.

**K. Materials furnished to carry out soil-building practices.**—If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the A. A. A. to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the A. A. A. in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

### Section 8. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of section 6, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for other farms.**—If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

### Section 9. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made

available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

### Section 10. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the A. A. A., determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding nonbearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Noncrop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton and commercial vegetable acreage allotments.

(10) **General soil-depleting crops or general crops** means all crops listed in section 5 as soil depleting, except cotton and commercial vegetables for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

#### Section 11. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made from appropriations made by Congress for this purpose only, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deductions may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

*J. W. Ruggan*

*Director, Southern Division.*

SRB-401-Miss.  
Supp. 1

Issued June 26, 1940

SEP 17 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

MISSISSIPPI HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Mississippi (SRB-401-Miss.) is hereby amended as follows:

Amendment 1

Practice 1 under section 4 E is amended by the addition of the following to the specifications:

"In Walthall County, superphosphate must be applied on land which is not subject to excessive soil erosion. In Lamar County, colloidal phosphate will not qualify for payment."

Amendment 2

The specifications for practice 3 under section 4 E are amended to read as follows:

"SPECIFICATIONS: At least 500 crowns or 1,000 seedlings of kudzu per acre must be planted with a survival sufficient to give one living crown for each 140 square feet planted or 300 living crowns or 500 living seedlings per acre; provided, that 500 seedlings planted per acre with a survival of 300 will qualify if the seedlings are planted in rows and at least 200 pounds of 16 percent superphosphate or its equivalent (for which credit will not be given under practice 1) is applied in the furrows and the seedlings are cultivated in a workmanlike manner throughout the season. Kudzu crowns should not be less than 2 years old and seedlings should not be less than 3/8 inch in diameter."

Amendment 3

Practice 5 under section 4 E is amended by the addition of the following to the specifications:

"In Forrest and Lamar counties, seeding winter legumes will qualify only when carried out on land not subject to erosion or on land which, if subject to erosion, is properly terraced. In Walthall County, winter legumes must be seeded on land not subject to excessive soil erosion. In Pearl River County, no payment will be made with respect to seeding winter legumes unless at least 300 pounds of basic slag or colloidal or rock phosphate or 100 pounds of triple superphosphate per acre is applied to the land at or prior to the time of seeding."

Amendment 4

The specifications for practice 9 under section 4 E are amended by the addition of the following parenthetical sentence after the words "Acid nonfertile upland and valley soils":

"(In Pearl River County, 10 pounds of carpet grass is required in lieu of 8 pounds of Dallis grass.)"

Amendment 5

Practice 12 under section 4 E is amended by the addition of the following to the specifications:

"(g) In Leake County, only those terraces constructed with terrace lines run by persons approved by the county committee as being proficient in terrace line service will qualify for payment."

Amendment 6

Practice 15 under section 4 E is amended by the addition of the following to the specifications:

"In Simpson County, only crotalaria interplanted or grown in combination with soil-depleting crops will qualify for payment."

Amendment 7

Section 7 G is amended to read as follows:

"G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such

change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

#### Amendment 8

Section 7 is amended by adding subsection L, as follows:

"L. Deductions in case of erroneous notice of acreage allotment. Notwithstanding the deduction provisions of sections 1 to 3, inclusive, in any case where, through error in a county or State office, the

producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division.

SRB-401-Miss.  
Supp. 2

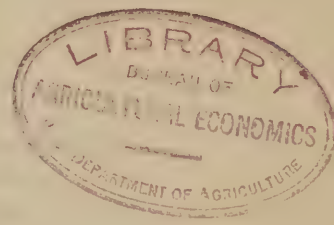
Issued December 7, 1940

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Supp. 2

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

MISSISSIPPI HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Mississippi (SRB-401-Miss.) is hereby further amended as follows:

Amendment 1

The second sentence of the specifications for practice 1 under section 4 E is revised as follows:

"In the case of lespedeza seeded alone and cro-talaria, application must be made at or before the time of seeding."

Amendment 2

The first paragraph of the specifications for practice 5 under section 4 E is revised as follows:

"SPECIFICATIONS. Winter legumes must be seeded not later than November 30, at not less than the following minimum rates per acre:

Vetch - 25 pounds  
Austrain winter peas - 35 pounds  
Clean crimson clover (or its equivalent in chaffy seed) - 20 pounds  
Bur-clover (in the bur) - 10 bushels  
Wild winter peas - 25 pounds scarified seed"

Amendment 3

Section 7 K is revised as follows:

"K. Materials furnished to carry out soil-building practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials,

upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

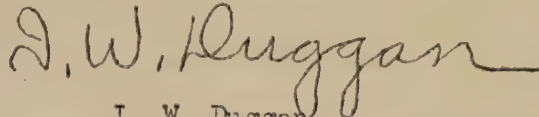
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a

part or all of such deficit is because of a reduction in payment as provided for under section 11, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.

A handwritten signature in cursive script, reading "I. W. Duggan". The signature is written in dark ink and is positioned above the printed name and title.

I. W. Duggan,  
Director, Southern Division.



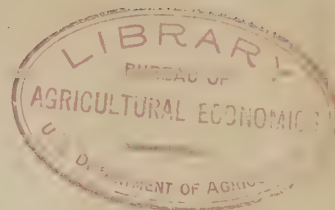
SRB-401-Miss.  
Supp. 3

Issued February 13, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

MISSISSIPPI HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Mississippi (SRB-401-Miss.) is hereby further amended as follows:

Practice 5 under section 4 E is revised by adding the following subpractices:

"5(a) Seeding not less than 30 pounds of Austrian winter peas but less than 35 pounds per acre -- 6/7 unit.

"5(b) Seeding not less than 25 pounds of Austrian winter peas but less than 30 pounds per acre -- 5/7 unit.

"5(c) Seeding not less than 20 pounds of Austrian winter peas but less than 25 pounds per acre -- 4/7 unit.

"5(d) Seeding not less than 20 pounds of hairy vetch but less than 25 pounds per acre -- 4/5 unit.

"5(e) Seeding not less than 15 pounds of hairy vetch but less than 20 pounds per acre -- 3/5 unit.

"The requirements with reference to inoculation and lime and phosphate in the original specifications for this practice shall also apply to these new subpractices."

Issued February 13, 1941, with the approval of the Acting Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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# OKLAHOMA HANDBOOK

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## 1940 Agricultural Conservation Program

Program effective from January 1, 1940  
to November 30, 1940



*Issued January 1940*

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UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940



## FOREWORD

The 1940 Agricultural Conservation Program in Oklahoma is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

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## OKLAHOMA HANDBOOK

### 1940 Agricultural Conservation Program

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Oklahoma in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 10B) are applicable only to farms in Oklahoma but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies. The provisions of this handbook are also not applicable to farms in counties for which special agricultural conservation programs are approved for 1940 by the Secretary.

#### Section 1. COTTON

**A. Farm Allotments.** The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco and wheat, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.** The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. WHEAT

**A. Farm Allotments.** (1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which wheat was planted for harvest in one or more of the years 1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topog-

raphy. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

**B. Non-Wheat-Allotment Farm** means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the allotment is mailed to the operator, to have such farm considered as a non-wheat-allotment farm or (2) a farm which is owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

**C. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a wheat allotment and for each non-wheat-allotment farm on which the wheat acreage for harvest in 1940 is in excess of 10 acres.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for *all* farms in the county will not exceed the normal yield established for the county.

**D. Payments.** For a wheat-allotment farm, the payment is **9 cents** for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the allotment or 10 acres.

**E. Acreage Planted to Wheat** means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which has not been removed by effective tillage by May 1, 1940, and (3) any acreage seeded to a mixture designated under (1) above and the wheat matures but the other crops fail to mature.

### Section 3. COMMERCIAL VEGETABLES

**A. Farm Allotments.** In Muskogee, Oklahoma, and Tulsa counties, designated as commercial vegetable counties, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-1937 average acreage or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.** The payment is **\$1.50** for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of **\$20** for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial Vegetables** means the acreage of annual vegetables or truck crops (including potatoes, sweetpotatoes, tomatoes, sweet corn, cantaloupes, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

### Section 4. TOTAL SOIL-DEPLETING CROPS

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm. The allotment shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

**B. Farm Productivity Indexes.** The county committee, with the assistance of other local committees, shall determine a productivity index for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crops in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity. The average productivity index for **all** farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

**C. Payments.** The rate of payment for general-allotment farms is the county rate per acre,<sup>1</sup> adjusted for productivity, for each acre in the total soil-depleting allotment in excess of the sum of the special crop allotments for which payments are computed. For general-allotment farms, there shall be a deduction at the county rate,<sup>1</sup> adjusted for productivity, for the soil-depleting acreage in excess of the sum of (1) the total allotment and (2) the acreage for which deductions are computed with respect to special crops. For non-general-allotment farms, there shall be a deduction on the above basis for the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage for which deductions are computed with respect to special crops.

**D. Non-General-Allotment Farm** means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect prior to March 31, 1940, to have such farm considered as a non-general-allotment farm.

**E. General Soil-Depleting Crops or General Crops** means (1) all crops and land uses listed in the definition of "soil-depleting acreage" except special crops for which a separate payment or deduction is computed for the farm, and (2) wheat on a non-wheat-allotment farm.

#### Section 5. RESTORATION LAND

**A. Farm Restoration Land.** Restoration land shall be designated by the county committee, with the assistance of other local committees, on the basis of the land in the farm which was designated as restoration land under the 1938 or 1939 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored; provided, that new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. Restoration land may be designated in the following counties:

Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

The county committee shall designate practices to be carried out on restoration land which it determines to be in need of additional practices. With the approval of the State committee, land improperly designated as restoration land under the 1938 or 1939 program may be restored to its former cropland status when offset by an equal acreage of land in the county which is properly designated in 1940 as restoration land.

**B. Payments.** The payment is **15 cents** for each acre of restoration land on the farm.

**C. Deductions.** There shall be a deduction of **\$3** for each acre of restoration land which is plowed or tilled in 1940 for any purpose

<sup>1</sup> The average rate of payment per acre for general crops in the United States is \$1.10 per acre and the average rate of deduction is \$8 per acre. The Secretary will establish for each county a rate of payment and deduction per acre.

other than tillage necessary to prevent erosion or tillage operations in connection with the seeding of an approved non-depleting cover crop or permanent grass mixture.

#### Section 6. MISCELLANEOUS DEDUCTIONS

[Applicable only in Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward counties]

**A. Failure to Prevent Wind and Water Erosion.** There shall be a deduction of \$1 for each acre of land in the farm which is subject to serious wind and water erosion and on which approved measures for the prevention of wind and water erosion are not adopted in 1940.

**B. Breaking Out Native Sod.** There shall be a deduction of \$3 for each acre of native sod or any other land on which a permanent vegetative cover has been established which is broken out during the period January 1, 1940 to November 30, 1940, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land.

#### Section 7. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National Goal.** The 1940 national soil-building goal shall be the conservation of cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County Goals.** Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

**C. Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section, except that for any farm in the following counties which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes, the soil-building goal shall not be less than one unit for each \$2 of the total payment for such farm and the total payment for such farm shall be considered as a payment in connection with soil-building practices:

Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according

to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent wind and water erosion and should not be routine farming practices.

**D. Payments.** The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments, restoration land, and under items (1) to (6), inclusive, of this subsection is less than \$20, the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **55 cents** for each acre of cropland in excess of the total soil-depleting allotment for the farm;

(2) **70 cents** for each acre in the vegetable allotment;

(3) **\$1.50** for each acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(4) For non-crop open pasture land in the farm:

(a) **12 cents** per acre in the following counties: Adair, Bryan, Cherokee, Choctaw, Craig, Creek, Delaware, Haskell, Hughes, Jefferson, Kay, Latimer, LeFlore, Love, Marshall, Mayes, McCurtain, McIntosh, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Seminole, Sequoyah, Tulsa, Wagoner, and Washington.

(b) **11 cents** per acre in the following counties: Atoka, Canadian, Carter, Cleveland, Coal, Garfield, Garvin, Grady, Grant, Johnston, Kingfisher, Lincoln, Logan, McClain, Murray, Oklahoma, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, and Stephens.

(c) **10 cents** per acre in all counties other than those named in (a) and (b) above.

(5) For non-general-allotment farms, the county rate per acre, adjusted for productivity, for each acre in the total allotment in excess of the sum of the special crop allotments for which payments are computed;

(6) **45 cents** for each acre of restoration land designated for the farm;

(7) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 29, not to exceed \$30.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance, except that if the soil-building goal was computed at the \$2 rate under subsection C of this section, the rate of deduction shall be **\$2** for each unit.

**E. Soil-Building Practices.** The soil-building practices listed below shall count toward reaching the soil-building goal to the extent indicated when they are carried out during the period January 1, 1940 to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State,

or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

Full credit for reaching the goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If one-half or more of such cost is paid by the owner or operator or covered by a loan agreement executed by him, one-half credit will be given; if less than one-half, no credit will be given.

Wind-erosion-control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on land owned or leased by a conservation district, conservation association organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

#### EROSION CONTROL

1. Construction of standard terraces for which proper outlets are provided—200 feet, 1 unit (75 cents per 100 feet).

**Terraces to be approved for payment:** (a) Must not exceed a fall of 4 inches per 100 feet along the terrace line (level terraces preferred where adaptable, particularly on land having very little slope in low rainfall areas).

(b) Must have fills in terrace line across gullies built up to normal level for the terrace ridge.

(c) Must equal or exceed the height and width specifications, and must not be spaced further apart than the maximum widths indicated in the following table.

(d) The outlet ends of all terrace channels shall be protected by means of sodded channels, rock riprap or other mechanical devices to prevent erosion of the terrace channel. Any terraces which are not properly protected cannot be accepted under this practice.

Slope of land in feet per 100 feet <sup>1</sup>	Minimum height—top of terrace above upper channel		Minimum width from low point in terrace channel to center top of terrace <sup>2</sup>		Recommended average distance between terraces <sup>3</sup>
	New terrace before ledges are plowed in	Plowed-in settled terrace	New terrace before ledges are plowed in	Plowed-in settled terrace	
	Inches	Inches	Feet	Feet	Feet
½ or less	15	10	11	9	210
1	16	11	11	9	150
2	18	12	10	8	100
3	18	12	10	8	83
4	19	12½	10	8	75
5	19	12½	9	7	70
6	20	13	9	7	67
7	20	13	9	7	64
8 or more	21	14	8	6	62

<sup>1</sup> Over ½ foot in vertical fall will be considered as 1 foot. Maximum slope on which terraces will be approved will be determined by the State committee.

<sup>2</sup> On slopes in excess of 3 percent, the minimum width specification may be disregarded, provided the area of the cross section of the terrace equals or exceeds that of a terrace constructed in accordance with minimum width specifications. The width of the lower side of terrace shall, in all cases, be at least ⅔ the width of the upper side of terrace, as indicated.

<sup>3</sup> This recommended average distance, which is the horizontal spacing between terraces, must not be exceeded by more than 30 percent.

**2. Contour ridging of non-crop open pasture land—1,000 feet, 1 unit (15 cents per 100 feet).**

Ridges or narrow terraces must be at least 3 feet wide from the low point in upper or lower channel to the top of the ridge, at least 15 inches high above the low point in the upper channel, and spaced not more than one-third of the maximum terrace interval, as provided under practice 1. Ridges may be pushed from either the upper or the lower side or from both sides. Ridges must not empty directly into gullies but should be blocked at the ends or turned uphill before crossing gullies. Guide lines must be established for each ridge.

**3. Construction of reservoirs and dams—10 cubic yards material moved, 1 unit (15 cents per yard).**

Before a reservoir or dam is constructed under this practice, it must be determined by the county committee that such reservoir or dam will be an efficient means of preventing erosion.

The site for the reservoir or dam shall be inspected and if the dam is to be constructed will be 8 feet or more in height or will consist of approximately 300 cubic yards or more of earth, or in all cases where the surface of the ground on which the dam is to be built is extremely irregular, a preliminary survey shall be made before construction is started. At least one bench mark shall be established far enough from the dam so that it will not be disturbed during construction. All measurements and elevation readings shall be made from this reference point. Along the lengthwise center line of the dam a minimum of three stakes shall be set, one at either end of the proposed dam and one at the lowest point of the stream bed. Additional stakes shall be set at all points where there is a break in the slope of the land. The location and elevation of each stake with reference to the established bench mark shall be properly measured and recorded. If the surface of the ground on which the dam is to be built is irregular, additional stakes should be set along the outline of the base at right angles to the lengthwise center line and spaced so that they will be in line with the main center line stakes. The location and elevation of these stakes must likewise be recorded.

To reduce seepage, a trench at least four feet wide shall be dug along the center line of the dam deep enough to reach a reasonably impervious subsoil. This trench should be filled with the most impervious soil readily available at or near the dam site and should form the base of a core of this same material which should be carried to a height equal to the normal water level in the completed dam. Where it is thought desirable, the entire base of the dam should be scarified to insure better bonding of the fill with the base of the dam. Where dams are built across gullies with steep banks, these banks should be sloped to form a trench for better bonding with the fill.

To be eligible for approval, dams and spillways shall be adequate. No dam shall be approved unless the top is at least 3 feet wide and is at least 3 feet higher than the floor of the spillway. The downstream slope of the dam should not be less than 2:1 (i. e., 2 feet horizontal to 1 foot vertical) but need not be greater than 3:1 regardless of the size and height of the dam. On small dams or on large dams or where there will be considerable wave action, the upstream slopes should be at least 3:1. The top width of the dam will be increased in accordance with the height of the dam, the size of the drainage area, the capacity of the spillway, and other local conditions. For dams 10 feet in height, the top must have a minimum width of five feet.

The cross sectional area of the spillway shall be at least twice the cross sectional area of the stream at its highest flood stage in the past. The top of the dam shall be not less than 3 feet above the floor of the spillway and this distance shall be increased sufficiently to insure water not running over the dam during floods. Unless the spillway is naturally protected from damaging erosion such protection must be provided. The end of the dam shall be riprapped if it forms a part of the spillway.

Earth used in the construction of the dam or excavated in the spillway (unless such excavated earth is used in the dam) shall be measured and its volume computed. The completed dam shall not be approved unless it is considered adequate and has adequate spillway facilities. The gross volume of earth used in the construction of the dam shall be reduced by 10 percent to compensate for shrinkage and settling before being certified for payment.

Further helpful information regarding the construction of reservoirs and dams may be found in Oklahoma Extension Circular No. 175, "The Farm Pond."

4. Construction of ditches for the diversion of flood water or well water on restoration land, cropland, pasture land, or hay land—**300 linear feet, 1 unit (50 cents per 100 feet).**

Ditches must have a depth of 1 foot and a width of 4 feet, or the cubic equivalent thereof. This practice is applicable in the following counties and all other counties lying west of these counties:

Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

5. Leaving stalks of sorghums, broomcorn, and Sudan grass on the land as a protection against wind erosion—**4 acres, 1 unit (37½ cents per acre).**

The stalks must be at least 10 inches in height. This practice is applicable only on farms where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that the cover will be left on the land until the spring of 1941. This practice will apply in Beaver, Cimarron, Texas, and Harper counties.

6. Contour listing, subsoiling (chiseling), or furrowing non-crop land—**4 acres, 1 unit (37½ cents per acre).**

The furrow channels must be not less than 8 inches wide and 4 inches deep and not less than 3 feet apart, or if subsoiled (chiseled), not less than 3 inches wide and 6 inches deep. If the furrows are 8¼ feet (one-half rod) or less apart, the actual acreage of land furrowed will count under this practice. If furrows are over 8¼ feet apart, the acreage of the practice will be computed on the basis of the acreage occupied by the furrows, each furrow being considered to occupy a strip 8¼ feet wide. Guide lines for lister furrows must be set up at not to exceed one-half the terrace interval specified in practice 1.

7. Stripcropping on the contour—**4 acres, 1 unit (37½ cents per acre).**

The strips must consist of erosion-resisting crops alternating with strips of other types of erosion-resisting crops or with erosion-permitting intertilled crops or two of such alternating strips of crops alternating with one strip of fallow, strips to be not less than 10 feet nor more than 200 feet wide, and the strips of erosion-resisting crops to occupy at least 30 percent of the area of the field. For the purpose of this practice, sorghums, Sudan grass, and millet in rows or solid-seeded and small-grain crops shall be classified as erosion-resisting crops, and cotton, corn, and other crops grown in rows (except sorghums, Sudan grass, and millet) shall be classified as erosion-permitting crops.

8. Protecting summer-fallowed acreage from wind and water erosion—**4 acres, 1 unit (37½ cents per acre).**

This practice applies to acreage from which no crop is harvested in 1940. Such acreage must be kept sufficiently free of vegetative cover so that available moisture is conserved, by either of the following methods:

(a) Contour listing or pit cultivation to be done in the spring of 1940 not later than June 15, 1940, in accordance with the specifications of practice 10 or 12. This practice will apply in Beaver, Cimarron, Harper, and Texas counties.

(b) Contour listing or pit cultivation, or otherwise incorporating the stubble and other trash into the soil not later than June 1, 1940 (where such practice is approved by the county committee as a good practice for the farm), in the following counties and in all counties lying west of the counties named, except those included in (a) above:

Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

Where fallow strips alternate with rows or strips of crops, the actual acreage of land in the fallow strips shall qualify in accordance with this practice 8,

provided such fallow strips between rows or strips of crops are not less than 7 feet and not more than 200 feet wide, and that the fallow strips shall not occupy more than two-thirds of the total area of the land occupied by such rows or strips of crops and fallow; such width of fallow strips being measured from the outside of the  $3\frac{1}{2}$ -foot strips which shall be considered to constitute a row. Fallow strips for which credit is given under this practice cannot be counted for credit under practice 7.

**9. Contour farming intertilled crops—8 acres, 1 unit ( $18\frac{3}{4}$  cents per acre).**

This practice consists of the planting and cultivation of row crops following the contour as determined by a farm level or surveyor's instrument, or following established terraces. If the land is not terraced, the rows must follow guide lines established at not to exceed twice the terrace interval specified in practice 1.

**10. Contour listing of cropland in 1940—6 acres, 1 unit (25 cents per acre).**

The furrows shall be made with a regular double moldboard lister or with a chisel of approved design, or other implement accomplishing the same results according to the specifications given herein:

(a) The furrows shall not be more than 4 feet nor less than 20 inches apart and shall, if listed, not be less than 8 inches wide and 4 inches deep, or if chiseled, not be less than 4 inches wide and 8 inches deep; (b) the furrowing shall be done with the contour of the land, following guide lines established at not to exceed twice the terrace interval specified in practice 1, or following established terraces; (c) the contours shall be maintained until final preparation of the land for a crop.

On slopes averaging greater than  $3\frac{1}{2}$  feet to each 100 feet, the contour listing must be in combination with terracing. These specifications shall apply where contour listing is used in protecting summer fallow, except that such contour listing shall not qualify under this practice 10. Contour listing as a part of a seeding operation shall not qualify as a soil-building practice.

**11. Seeding small-grain crops for harvest in 1940 on the contour—10 acres, 1 unit (15 cents per acre).**

Seeding must follow guide lines established with a standard farm level or surveyor's instrument at not to exceed twice the terrace interval specified in practice 1 or following established terraces.

**12. Pit cultivation of cropland—8 acres, 1 unit ( $18\frac{3}{4}$  cents per acre).**

This must be done with an approved basin lister which will dam the lister furrows at regular intervals or with another implement accomplishing similar results. The furrows are not to be more than 4 feet nor less than 20 inches apart and not less than 4 inches deep and the pits or basins must occupy at least 25 percent of the land. On slopes greater than 2 percent, this practice will not qualify unless done on the contour following guide lines established at not to exceed twice the terrace interval specified in practice 1, or must follow established terraces. These same specifications shall apply where pit cultivation is used in protecting summer fallow, except that such practice shall not qualify under this practice 12. Pit cultivation on the contour will qualify under practice 10 if meeting other specifications of that practice. Pit cultivation as a part of a seeding operation shall not qualify as a soil-building practice.

**13. Natural vegetative cover or small-grain stubble of crops harvested in 1940, left on cropland not tilled after July 1, 1940—10 acres, 1 unit (15 cents per acre).**

This practice is applicable in Cimarron and Texas counties. This practice will be approved only where it is determined by the county committee that the cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1941.

14. Contour cultivation with a shallow furrowing or shovel-type implement following small-grain crops harvested in 1940—**10 acres, 1 unit (15 cents per acre).**

The furrows must not be more than 20 inches apart and must follow guide lines established with a standard farm level or surveyor's instrument at not to exceed twice the terrace interval specified in practice 1, or must follow established terraces or rows established on the contour.

This practice is applicable in Cimarron and Texas counties.

15. Leveling of hummocks created by wind erosion where such practice has prior approval of the county committee—**1 acre, 1 unit (\$1.50 per acre).**

Applicable only on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

#### SEEDINGS

16. Seeding adapted varieties of alfalfa on a properly prepared seed bed—**1 acre, 1 unit (\$1.50 per acre).**

17. Seeding permanent grasses or pasture mixtures—**1/2 acre, 1 unit (\$3.00 per acre).**

There must be a full seeding of Rhodes grass, Dallis grass, grama, or Bermuda grass. The kind of grass to be seeded or the mixture of grasses or legumes and grasses where legumes are essential in the establishment of pastures must be approved by the county committee prior to the time of seeding. No credit will be given for this practice when carried out on depleted pasture land nor on land on which a permanent vegetative cover is being established in 1940 under practice 27 or has been established under previous agricultural conservation programs.

18. Seeding annual sweetclover, annual ryegrass, biennial or perennial legumes, perennial grasses or mixtures containing perennial grasses, perennial legumes or biennial legumes—**2 acres, 1 unit (75 cents per acre).**

These crops must be seeded on a suitable, well-prepared seedbed. Credit may be earned under this practice by seeding such grasses and legumes or mixtures on cropland or pasture land, except that credit will not be given for carrying out this practice in 1940 on land on which practice 27 is carried out.

Credit will not be given under this practice for any other grasses or legumes qualifying at a higher rate of credit under any other practice or for timothy or redbud seeded alone or a mixture consisting solely of timothy and redbud.

19. Seeding winter legumes—**1 acre, 1 unit (\$1.50 per acre).**

These crops must be seeded on a suitable, well-prepared seedbed. In fields where it is known that there is a deficiency of lime, lime must be applied. Seedings must not be less than the following rates:

Vetch—15 to 20 pounds per acre

Austrian winter peas—20 to 30 pounds per acre

Bur-clover (clean)—12 to 15 pounds per acre

Bur-clover (burs)—20 to 25 pounds per acre

These crops must be properly inoculated before planting.

20. Seeding lespedeza—**1 1/2 acres, 1 unit (\$1.00 per acre).**

The lespedeza must be seeded on a suitable, well-prepared seedbed at not less than 15 pounds per acre.

21. Establishment of a permanent vegetative cover by planting crowns of kudzu— $\frac{1}{4}$  acre, **1 unit (\$6.00 per acre)**.

A minimum of 500 crowns per acre must be planted before the start of growth in the spring, of which 60 percent or more must be growing at the time of checking performance.

#### SOIL IMPROVEMENT

22. Application of the following materials to or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture, if such crops are not seeded or grown with soil-depleting crops.

(a) 240 pounds of 20 percent superphosphate or its equivalent—**1 unit (\$1.50)**.

(b) 500 pounds of rock or colloidal phosphate—**1 unit (\$1.50)**.

The material must be applied evenly over the area on which application is made. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes sown in row-crop middles are not considered as seeded or grown with a soil-depleting crop. In the case of lespedeza seeded alone, winter legumes, annual ryegrass, and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. Rock phosphate must be ground sufficiently fine so that 80 percent will pass through a 100-mesh sieve.

23. Application of ground limestone—**1,500 pounds, 1 unit (\$1.50)**.

The limestone must contain at least 90 percent calcium carbonate equivalent and shall be ground fine enough for 95 percent or more of it to pass through a 10-mesh sieve and 40 percent or more of it to pass through a 60-mesh sieve.

24. (a) Green manure and cover crops of non-legumes other than annual ryegrass, except in orchards or on commercial vegetable land—**2 acres, 1 unit (75 cents per acre)**.

(b) Other green manure and cover crops, including non-legumes in orchards or on commercial vegetable land—**1 acre, 1 unit (\$1.50 per acre)**.

A good stand and a good growth of green manure or cover crops must be plowed or disked under if on land not subject to erosion. If on land subject to erosion, these crops must be left on the land, or summer-grown crops plowed or disked under must be followed by a winter cover crop. Green manure crops shall not include lespedeza, wheat, grain sorghums, peanuts hogged-off, any crop for which credit is given in 1940 under any other practice, or soybeans from which the seed is harvested by mechanical means.

Some of the crops that may qualify under (a) are: Sweet sorghums, Sudan grass, millets, and small grains (except wheat).

Some of the crops that may qualify under (b) are: Austrian winter peas, vetch, cowpeas, soybeans except where the seed is harvested by mechanical means, clovers, annual ryegrass; and in orchards or on commercial vegetable land, sweet sorghums, Sudan grass, millets, and small grains (except wheat).

25. Summer legumes, excluding those classified as soil depleting, and excluding peanuts hogged-off, interplanted or grown in combination with soil-depleting crops—**4 acres, 1 unit (37½ cents per acre)**.

A good stand and a good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. The summer legume must occupy at least one-third of the land.

## PASTURE IMPROVEMENT

26. Natural reseeding (restoration) of non-crop open pasture land by non-grazing (deferred grazing)—**8 acres, 1 unit (18¾ cents per acre).**

The deferred area must be kept free of livestock during the normal pasture season and must be mowed at least once during the non-grazing period, if recommended by the county committee. Heavy infestations of pricklypear must also be eradicated. The non-grazing period shall be from the start of the growth of grass in the spring until seeds have matured. For Harmon, Greer, Kiowa, Caddo, Canadian, Oklahoma, Pottawatomie, Okfuskee, McIntosh, Haskell, LeFlore, and all counties south of the counties named, the non-grazing period shall be May 1, 1940 to September 30, 1940. For all counties lying north of those named above, except Cimarron, Beaver, and Texas counties, the non-grazing period shall be May 15, 1940 to October 15, 1940. The non-grazing period for Cimarron, Beaver, and Texas counties shall be June 1, 1940 to October 30, 1940.

27. Establishment of a permanent vegetative cover by planting sod pieces of Bermuda, buffalo, mesquite, Dallis, or carpet grass—**⅓ acre, 1 unit (\$4.50 per acre).**

The sodding must be done in a manner to provide a minimum of one sod piece for each 28 square feet of land in the field sodded. At least 75 percent of the grass sodded must be growing at the time of checking performance.

Permanent pasture mixtures of grasses and legumes specified by the county committee must be seeded in connection with the sodding if such grasses and legumes are needed in 1940 in the establishment of a permanent pasture and the committee determines that climatic and moisture conditions are such that the seeding of such legumes and grasses is practical.

28. Development of springs or seeps by excavation—**5 cubic feet of soil or gravel or 3 cubic feet of rock excavated, 1 unit (30 cents per cubic foot of soil or gravel and 50 cents per cubic foot of rock).**

The spring or seep to be developed must be determined by the county committee to be an efficient means of preventing erosion and the destruction of grass by providing a better distribution of stock water on the farm.

Water storage of at least 20 cubic feet must be provided and the water source shall be protected from trampling. Payment will not be made for less than 65 cubic feet of soil or gravel or 39 cubic feet of rock formation excavated. Payment will not be made for more than 335 cubic feet of soil or gravel or 201 cubic feet of rock excavated.

## FORESTRY

29. Planting forest trees (including shrubs in protective plantings)—**⅓ acre, 1 unit (\$7.50 per acre).**

The preparation of the planting site and the planting technique used shall be in accordance with the best recognized methods. The species generally used shall be those which are recognized as suitable for the purpose of planting and adaptable to the locality.

Spacing of approximately 6 x 8 feet per acre for pines and 8 x 8 for hardwoods should be used, which will require approximately 1,000 and 700 trees per acre, respectively, with a survival at the time performance is checked of 65 percent.

In areas where protective and woodlot plantings are primarily desirable, such as field and farmstead shelterbelts, the spacing used shall be in accordance with the best recognized practice for the type of planting. This will require a minimum of 500 trees per acre for shelterbelt plantings, with a survival of at least 300 trees at the time performance is checked, and a minimum of 800 trees per acre for other plantings, with a survival of at least 450 trees per acre at the time performance is checked.

Maintaining a good stand by replanting will not qualify under this practice but may qualify under practice 30.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice. No credit for reaching the goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into in connection with the Prairie States Forestry Project.

No credit shall be allowed for this practice unless the planting is cultivated, where necessary, and maintained and protected in accordance with the provisions set forth in the first paragraph under practice 30.

30. Cultivating, protecting, and maintaining a good stand of forest trees planted between July 1, 1936 and January 1, 1940 (or before July 1, 1940 if under a cooperative agreement with a governmental agency)—**1/2 acre, 1 unit (\$3.00 per acre).**

The trees shall be cultivated sufficiently during the growing season (April 1 to August 31) to control weeds and grass on the planted area. Each cultivation shall be performed in accordance with approved tillage methods. Fire and livestock shall be excluded from the planted area. Recognized rodent-control practices shall be used where necessary to protect the plantation from damage by rodents. Where necessary, proper tillage methods shall be employed and cover crops established to protect the plantation from wind-erosion damage.

An adequate stand of trees and shrubs must be maintained, by replanting if necessary, with a minimum survival of 300 trees per acre well-distributed over the planted area, for shelterbelts. For all other plantings such as woodlots, etc., a minimum of 450 well-distributed trees per acre shall be considered adequate.

#### MISCELLANEOUS

31. Control of bindweed (*convolvulus arvensis*)—**1/5 acre, 1 unit (\$7.50 per acre).**

Control of seriously infested plots of bindweed on cropland or non-crop pasture land in accordance with approved chemical and tillage methods in organized weed-control districts, including counties where county officials are cooperating under State control law. Payment for carrying out this practice will not be approved if live plants are in evidence in the area treated at the time of checking performance.

32. Growing a home garden—**1 unit (\$1.50).**

Credit will be given for a home garden grown on the farm for each landlord, tenant, or sharecropper family on the farm.

A home garden shall consist of any acreage on the farm upon which vegetables are grown for home use, either for consumption fresh during the growing season, or for canning, drying, or storing.

The home garden shall be established on the basis of approved methods of cultivation and tillage.

The total area of all plots on the farm planted to vegetables for home use shall be counted in determining the size of the home garden which, for the purpose of this practice, shall not be less than one-half acre.

The garden shall consist of at least 10 different kinds of vegetables. Each kind of vegetable shall be planted in sufficient quantity to supply the farm family with a well-balanced vegetable diet.

33. Protecting restoration land—**4 acres, 1 unit (37 1/2 cents per acre).**

Credit will be given for land properly designated as restoration land in 1938 or 1939, on which the county committee finds that no soil-building practice is needed in 1940 for the establishment of a permanent vegetative cover.

#### Section 8. SOIL-DEPLETING ACREAGE

(a) **Soil-Depleting Acreage** means the acreage of land devoted during the 1940 crop year<sup>1</sup> to one or more of the following crops or

<sup>1</sup> For commercial vegetables in commercial-vegetable counties designated in Section 3A, the 1940 crop year shall include December 1939.

uses. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose.

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugar beets planted for any purpose.

(6) Peanuts harvested for nuts or dug for hay.

(7) Broomcorn planted for any purpose.

(8) Mangles or cowbeets planted for any purpose.

(9) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(10) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(11) Field beans planted for any purpose, except when used as green manure or grown in home gardens for use on the farm.

(12) Peas planted for canning, freezing, or dried peas, except when used as green manure or grown in home gardens for use on the farm.

(13) Wheat planted (or regarded as planted) for any purpose on a wheat allotment farm.

(14) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for grain.

(15) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops (including designated mixtures containing wheat on any farm) harvested for hay, except (i) when such crops are used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut for hay not later than the bloom stage or (ii) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.

(16) Buckwheat, Sudan grass, or millet harvested for grain or seed.

(17) Sweet sorghum when harvested for grain, seed, or sirup.

(18) Land summer-fallowed and not protected from wind and water erosion by methods approved by the State committee.

(19) Flax planted for any purpose.

(20) Commercial bulbs and flowers harvested for any purpose.

(b) If one soil-depleting crop or land use is followed by another soil-depleting crop or land use on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determin-

ing whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop or land use occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop or land use, *except* that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land;

(2) If commercial vegetables and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to the crop other than commercial vegetables for which the special acreage allotment is established; and in addition, all of the land shall be considered as planted to commercial vegetables if the commercial vegetables are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables are planted in rows at least twice the normal width for planting the crop alone, only half of the land shall be considered as planted to commercial vegetables.

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*. That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

## Section 9. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and Deductions for Acreage Allotments and Restoration Land.** (1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed

commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, or insects, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(iii) **Separately-owned tracts.** In cases where two or more separately-owned tracts of land comprise a farm, upon the written agreement of all persons who are entitled to receive a share of the proceeds of any such crop, the share of each such person in the net payment or net deduction computed for such crop on such farm shall be that share which fairly reflects the contribution of each person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes, as each such class shares in the crop, or proceeds thereof, for which the payment or deduction is being made.

(2) The 15-cent payment computed for restoration land shall be made to the owner of the land as of June 30, unless the land is rented for cash, in which case the payment shall be made to the cash tenant as of June 30.

(3) In computing the net payments and net deductions for acreage allotments and general crops, the deduction for (a) failure to prevent wind and water erosion, (b) cropping restoration land, (c) breaking out of native sod, and (d) any net deduction computed for failure to reach the soil-building goal, shall be regarded as a deduction for general crops.

**B. Soil-Building Practice Payments.** The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bears to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of Net Deductions.** If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

#### Section 10. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in Small Payments.** The total payment computed under sections 1 to 9, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	( <sup>1</sup> )
\$31.00 to \$31.99	10. 20	\$200.00 and over	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**B. Payments Limited to \$10,000.** The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and ranching units located in Oklahoma shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions Incurred on Other Farms.** (1) The net deduction computed for any landlord or tenant under sections 1 to 7, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for Association Expenses.** There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment Restricted to Effectuation of the Purposes of the Program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out restoration land measures and soil-building practices, shall be computed for any farm which is not operated in 1940.

(3) No payment will be made to any person with respect to any farm which such person owns or operates in any of the counties listed below, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind-erosion-control measures on land under his control to the extent that any part of such land has become a wind-erosion hazard in 1940 to the community in which such farm is located. The counties are as follows:

Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, and Woodward.

**F. Payment Computed and Made Without Regard to Claims.**

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest

in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess Cotton Acreage.** Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Use of Soil-Conserving Crops for Market.** In Cherokee, McIntosh, Okfuskee, and Sequoyah counties, payment will not be made with respect to any farm unless on such farm in 1940 an acreage of cropland or restoration land equal to the smaller of the following is withheld from the production of soil-depleting crops and from the production of soil-conserving crops for market:

(1) The amount by which the normal acreage of soil-depleting crops on the farm exceeds the total soil-depleting acreage allotment for such farm, or

(2) the amount by which the normal acreage of soil-depleting crops on the farm exceeds the acreage devoted to soil-depleting crops on such farm in 1940;

provided, that payment shall not be denied any farmer for using soil-conserving crops for market, if on the farm in question—

(a) the increase above normal in the number of dairy cows does not exceed two cows, or

(b) the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of cows, or

(c) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm.

**K. Materials Furnished to Carry Out Soil-Building Practices.** If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment

computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

#### Section 11. APPLICATION FOR PAYMENT

**A. Persons Eligible to File Applications.** An application for payment for a farm may be made by any person who, under the provisions of section 9, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land, or (3) the owner or cash tenant of a farm on which restoration land is designated.

**B. Time and Manner of Filing Application and Information Required.** Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for Other Farms.** If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

**Section 12. APPEALS**

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

**Section 13. DEFINITIONS**

For the purposes of the 1940 program.

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon, or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon, or of the proceeds thereof.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes or will constitute, if such tillage is continued, a wind-erosion hazard to the community.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards) from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any shrubs or trees is such that the land could not be fairly considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, vegetable, or tobacco acreage allotments.

(10) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

#### Section 14. AVAILABILITY OF FUNDS

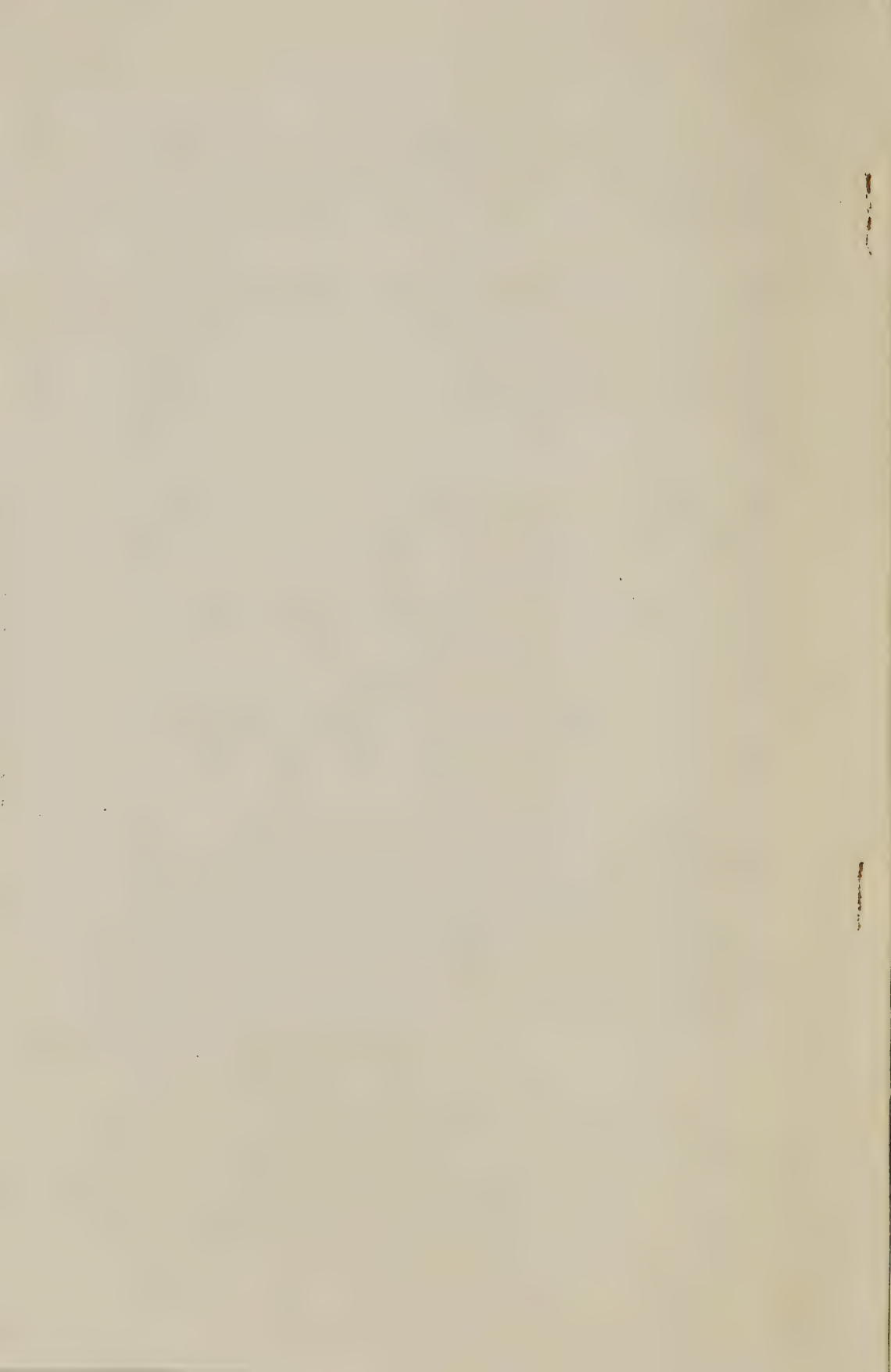
The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

*J. W. Suggan*

*Director, Southern Division.*





Issued June 26, 1940

SEP 17 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

OKLAHOMA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Oklahoma (SRB-401-Okla.) is hereby amended as follows:

Amendment 1

Section 2 B is amended to read as follows:

"B. Non-Wheat-Allotment Farm means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, in Kay, Noble, Logan, Oklahoma, Cleveland, Canadian, Grady, Comanche, and Cotton counties, and all counties west of these (and February 20, 1940 in all other counties), or within 15 days after notice of the allotment is mailed to the operator, to have such farm considered as a non-wheat-allotment farm, or (2) a farm which is owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes."

Amendment 2

Section 4 E is amended to read as follows:

"E. General Soil-Depleting Crops or General Crops means all crops listed in the definition of "soil-depleting acreage," except special crops for which a separate payment or deduction is computed for the farm and sugar beets for sugar; provided, that wheat on a non-wheat-allotment farm and vegetables on a non-vegetable-allotment farm in a commercial vegetable county shall always be regarded as general crops for the purpose of determining the division of the net payment or net deduction computed with respect to general crops."

Amendment 3

The proviso in section 5 A is amended to read as follows:

"provided, that (except for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes) new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm."

Amendment 4

Section 10 G is amended to read as follows:

"G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

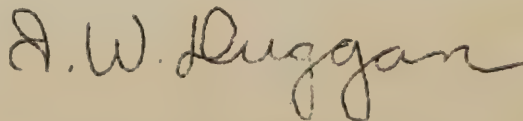
"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Amendment 5

Section 10 is amended by adding subsection L, as follows:

"L. Deductions in Case of Erroneous Notice of Acreage Allotment. Notwithstanding the deduction provisions of sections 1 to 6, inclusive, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.



I. W. Duggan,  
Director, Southern Division.



Issued December 7, 1940

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

OKLAHOMA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Oklahoma (SRB-401-Okla.) is hereby further amended as follows:

Section 10 K is revised as follows:

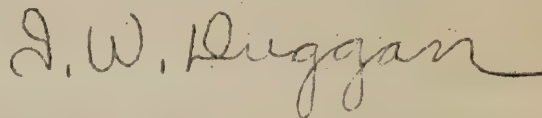
"K. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for

which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 14, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.

A handwritten signature in dark ink, reading "I. W. Duggan". The signature is fluid and cursive, with a long horizontal stroke at the end.

I. W. Duggan,  
Director, Southern Division.

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FEB 24 1940

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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## SOUTH CAROLINA HANDBOOK

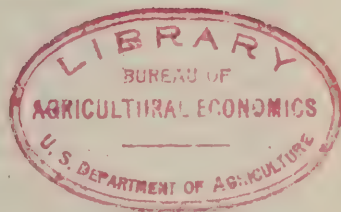
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### 1940 Agricultural Conservation Program

Program effective from January 1, 1940  
to November 30, 1940

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*Issued January 1940*



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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# **SOUTH CAROLINA HANDBOOK**

## **1940 Agricultural Conservation Program**

### **FOREWORD**

The 1940 Agricultural Conservation Program in South Carolina is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

- (1) To help farmers get and maintain a fair share of the national income.
- (2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.
- (3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.
- (4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

### **INTRODUCTION**

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in South Carolina in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 10B) are applicable only to farms in South Carolina but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the bene-

ficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies.

### Section 1. COTTON

**A. Farm allotments.**—The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco and wheat, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms, that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm normal yields.**—The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.**—The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. TOBACCO

**A. Farm allotments.**—The county committee, with the assistance of other local committees, shall determine an acreage allotment for flue-cured or Burley tobacco for any farm on which such kind of tobacco was produced in one or more of the 5 years 1935-39 on the basis of past acreage of such kind of tobacco (harvested and diverted), with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

**B. Farm normal yields.**—The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-39 shall be determined on the basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(3) The weighted average of the normal yields for **all** farms in each county shall not exceed the normal yield for the county.

**C. Payments.**—The payment is **1 cent** in case of flue-cured and Burley for each pound of the normal yield for each acre in the

tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of 8 cents for each pound of the normal yield of the excess acreage.

### Section 3. WHEAT

**A. Farm allotments.**—(1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which more than 10 acres of wheat are normally planted for harvest and on which wheat was planted for harvest in one or more of the years 1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

**B. Usual acreages.**—Usual acreages of wheat shall be determined for all non-wheat-allotment farms and for farms on which the normal acreage of wheat harvested as grain or for any purpose after reaching maturity is more than 10 acres. The usual acreage shall be determined on the basis of the past acreage, with due allowance for abnormal weather conditions, tillable acreage, crop-rotation practices, type of soil, and topography.

**C. Farm normal yields.**—The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a usual wheat acreage in excess of 10 acres or for which a deduction is computed.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county will not exceed the normal yield established for the county.

**D. Payments.**—For a wheat-allotment farm, the payment is 9 cents for each bushel of the normal yield for each acre in the wheat

allotment. There shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the usual acreage or 10 acres.

**E. Non-wheat-allotment farm** means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the wheat allotment is mailed to the operator, to have such farm considered as a non-allotment farm, or (2) a farm for which no wheat allotment is determined.

**F. Acreage planted to wheat** (for wheat allotment farms) means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of oats, rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1940; and (3) any acreage seeded to a mixture, designated under (1) above, and the wheat matures, but the other crops fail to mature.

#### Section 4. IRISH POTATOES

**A. Farm allotments.**—In Beaufort, Charleston, Colleton, Hampton, and Jasper counties, designated as commercial potato counties, the county committee, with the assistance of other local committees, shall determine a potato allotment for each farm for which the normal acreage of potatoes for market is determined to be 3 acres or more. Allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors. The potato allotments determined for farms in a county shall not exceed their proportionate share of the county potato allotment.

**B. Farm normal yields.**—The county committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment or for which a deduction is computed. The normal yield shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in the county shall not exceed the normal yield established for the county.

**C. Payments.**—The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment. For farms in the counties listed in subsection A, there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the larger of the allotment or 3 acres.

### Section 5. COMMERCIAL VEGETABLES

**A. Farm allotments.**—In Allendale, Bamberg, Barnwell, Beaufort, Charleston, Chesterfield, Colleton, Florence, Hampton, Jasper, Lexington, Marlboro, Orangeburg, Spartanburg, and Williamsburg counties, designated as commercial vegetable counties, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-37 average acreage or the average of a later period adjusted to the 1936-37 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.**—The payment is \$1.50 for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of \$20 for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial vegetables** means the acreage of annual vegetables or truck crops (including potatoes in all counties except Beaufort, Charleston, Colleton, Hampton, and Jasper; sweetpotatoes, tomatoes, sweet corn, cantaloupes, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn and hot peppers for canning) of which the principal part of the production is sold to persons not living on the farm.

### Section 6. TOTAL SOIL-DEPLETING CROPS

**A. Farm allotments.**—The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

**B. Deductions.**—For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreages of special crops for which deductions are computed or (2) the acreages on which cotton is planted or tobacco is harvested plus 20 acres.

### Section 7. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National goal.**—The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative

cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County goals.**—Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

**C. Farm goals.**—The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.**—The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of the allotments for special crops (other than commercial vegetables) for which payments are computed;

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 15, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, \$1.50 will be deducted from the maximum soil-building assistance.

**E. Soil-building practices.**—The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940, to November 30, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If

the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

#### Application of Materials

1. Application of (a) 300 pounds of 16 percent superphosphate (or its equivalent) or (b) 500 pounds of basic slag or rock or colloidal phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture—**One unit (\$1.50).**

**SPECIFICATIONS.**—The material must be applied evenly over the area on which the application is made. In the case of lespedeza seeded alone, winter legumes, annual ryegrass, and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes seeded in row-crop middles are not considered as seeded or grown with the soil-depleting crop. Basic slag and rock phosphate must be ground sufficiently fine so that a minimum of 80 percent will pass through a 100-mesh sieve.

2. Application of 1,000 pounds of ground limestone or its equivalent—**One unit (\$1.50).**

**SPECIFICATIONS.**—The limestone must be 88 percent or more calcium-magnesium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium-magnesium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

- 1,000 pounds of burned limestone.
- 1,400 pounds of hydrated lime.
- 2,000 pounds of ground oyster shells.
- 2,750 pounds of limestone screenings.

The above materials must be of sufficient fineness so that 100 percent will pass through a 10-mesh sieve and 50 percent through a 100-mesh sieve.

#### Seedings

3. Establishment of a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

**SPECIFICATIONS.**—All crowns must be set out before growth starts in the spring. There must be at least 500 crowns of kudzu planted per acre with a survival of at least 300 crowns.

4. Seeding adapted varieties of alfalfa—**One unit (\$1.50) an acre.**

**SPECIFICATIONS.**—(a) The land must be prepared in accordance with good farming practices well in advance of planting time and maintained in a good state of cultivation until planting date.

(b) Alfalfa must be inoculated and seeded at a minimum rate of 20 pounds per acre.

5. Seeding winter legumes—**One unit (\$1.50) an acre.**

**SPECIFICATIONS.**—The seedings must be at not less than the following rates per acre:

- Vetch—15 pounds in rows or 20 pounds broadcast.
- Austrian winter peas—20 pounds in rows or 30 pounds broadcast.
- Clean crimson clover—15 pounds (or the equivalent in chaffy seed).
- Bur-clover—50 pounds in the bur.

Unless a previous successful crop of the particular winter legume has been grown on the land, such legume must be inoculated. In fields where it is known that there is a deficiency of lime, lime must be applied.

6. Seeding lespedeza—**Two-thirds unit (\$1) an acre.**

SPECIFICATIONS.—Annual lespedeza must be seeded at not less than 20 pounds per acre, and lespedeza sericea at not less than 30 pounds per acre.

7. Seeding annual ryegrass or annual or biennial sweetclover—**One-half unit (75 cents) an acre.**

SPECIFICATIONS.—Sweetclover or annual ryegrass must be seeded at not less than 20 pounds per acre. In fields where sweetclover is to be seeded and it is known that there is a deficiency of lime, lime must be applied.

### Pasture

8. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses—**Three units (\$4.50) an acre.**

SPECIFICATIONS.—Sod pieces must be planted not more than 3 feet apart or sprigs not more than 2 feet apart. This will be confined to areas sodded to control run-off water.

If the sodding is done as above in connection with the establishment of a pasture, the following mixture of legumes and grasses must be seeded in addition to sodding, with no additional credit:

Dallis grass—10 pounds per acre.

Lepedeza—15 pounds per acre.

White Dutch clover—4 pounds per acre.

9. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, or carpet grass—**Two units (\$3) an acre.**

SPECIFICATIONS.—(a) Non-cropland to be seeded to permanent pasture shall be stirred by double harrowing or its equivalent.

(b) Mixture and rate of seeding per acre:

Bermuda grass—7 pounds.

Dallis grass—10 pounds.

Lepedeza—15 pounds.

White Dutch clover—4 pounds.

or—

Carpet grass—8 pounds.

Dallis grass—15 pounds.

Lepedeza—15 pounds.

White Dutch clover—5 pounds.

(c) All preparation and seeding must be done in a workmanlike manner and in accordance with good farming practice.

Bulletin No. 99, "Permanent Pastures for South Carolina," issued by the South Carolina Extension Service, may be used, if available, as a guide for the preparation and planting of all permanent pastures under the AAA program.

10. Contour ridging of non-crop open pasture land—1,000 linear feet of ridge, **one unit (\$1.50).**

SPECIFICATIONS.—(a) Contour ridges will not be approved on pasture land where the slope is less than 2 percent.

(b) Contour ridges must be at least 3 feet wide from the low point in the upper channel to the top of the ridge and not less than 12 inches in height above such low point in the upper channel.

(c) The interval between contour ridges shall not exceed one-third the terrace interval listed under practice No. 11.

(d) Contour ridges must be laid off on the level.

(e) Contour ridges shall be constructed with the ends curved uphill. The channel must be blocked every 30 or 35 feet. Contour ridges must not extend across a gully but rather the ends should be curved up to divert water from the gully.

## Erosion Control

11. Construction of standard terraces, for which proper outlets are provided—200 linear feet of terrace, **one unit (\$1.50)**.

**SPECIFICATIONS.**—(a) The grade or fall along the terrace line shall be determined by the soil type, slope of land, and terrace length. The following table shall be used in determining terrace grades:

Length of the terrace from upper end (feet)	Fall of terrace in inches for each 100 feet			
	Sandy subsoil		Clay subsoil	
	Slope 0-6 percent	Slope 7-12 percent	Slope 0-6 percent	Slope 7-12 percent
0 to 300.....	0	0	$\frac{1}{2}$	1
300 to 600.....	$\frac{1}{2}$	$\frac{1}{2}$	1	2
600 to 900.....	1	1	2	3
900 to 1,200.....	$1\frac{1}{2}$	$1\frac{1}{2}$	3	4
1,200 to 1,500.....	2	3	4	5

(b) The vertical distance or drop between terraces shall be determined by the slope of the land as given in the table below:

Slope of land in feet per 100 feet	Vertical distance or drop between terraces	Approximate horizontal distances between terraces
2 feet.....	2 feet 9 inches.....	140 feet.
3 feet.....	3 feet 0 inches.....	100 feet.
4 feet.....	3 feet 3 inches.....	80 feet.
5 feet.....	3 feet 6 inches.....	75 feet.
6 feet.....	3 feet 9 inches.....	63 feet.
7 feet.....	4 feet 0 inches.....	57 feet.
8 feet.....	4 feet 3 inches.....	53 feet.
9 feet.....	4 feet 6 inches.....	50 feet.
10 feet.....	4 feet 9 inches.....	48 feet.
12 feet.....	5 feet 4 inches.....	43 feet.

(c) The cross section (height and width) of terraces shall equal or exceed the specifications as given below:

Slope of land in feet per 100 feet	Minimum height—top of terrace above upper channel	Minimum width—from low point in terrace channel to center top of terrace
0 to 4 feet.....	12 inches (settled).....	7 feet.
5 to 8 feet.....	13 inches (settled).....	6 feet.
9 to 12 feet.....	15 inches (settled).....	5 feet.

(d) The terrace outlet is the point where the run-off water from terraces is turned loose. Controlled outlets are an essential part of a terrace system and shall be protected to prevent "cutting back." The area beyond the outlets should be wooded or sodded to protect from erosion. When natural protection is not available, it is necessary to provide such protection.

**12. Stripcropping—Four acres, one unit (\$1.50.)**

**SPECIFICATIONS.**—Stripcropping shall consist of strips of erosion-resisting crops alternating with strips of row crops.

(a) All strips of erosion-resisting crops shall be sown broadcast or close-drilled or in close rows not to exceed 18 inches in width so as to cover the land uniformly and shall average not less than 20 feet in width.

(b) The strips of erosion-resisting crops must occupy at least 25 percent of the land on slopes up to 4 percent; 33⅓ percent on slopes from 4 to 10 percent; and 50 percent of the land on slopes over 10 percent. Slopes in excess of 4 percent must be terraced.

(c) The erosion-resisting strips devoted to summer-growing crops shall not be broken until the following spring unless—

(1) A winter erosion-resisting crop is sown at the time of breaking, or

(2) A winter erosion-resisting crop is sown on the interval between strips at the time of fall breaking.

(d) Summer erosion-resisting crops approved for stripcropping shall be: Soybeans, cowpeas, sorghums, lespedeza, crotalaria, and Sudan grass.

(e) Approved erosion-resisting crops for winter stripcropping shall be: Austrian winter peas, vetch, crimson and bur clover, ryegrass, and small grains if seeded with drill on the contour.

(f) The strips should be perennials on slopes over 8 percent.

**Green Manure and Cover Crops****13. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—One-half unit (75 cents) an acre.**

(b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

**SPECIFICATIONS.**—Credit will **not** be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately ⅔-ton per acre of air-dry legumes and winter-growing non-legumes, and approximately 1½ tons per acre of air-dry summer-growing non-legumes.

**14. Cowpeas, velvetbeans, crotalaria, soybeans, interplanted or grown in combination with soil-depleting crops—4 acres, 1 unit (\$1.50).**

**SPECIFICATIONS.**—A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately one-half ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

**Forestry****15. Planting forest trees—Five units (\$7.50) an acre.**

**SPECIFICATIONS.**—Planting must be done with longleaf pine, slash ("Cuban") pine, loblolly pine, shortleaf pine, red cedar, black locust, black walnut, yellow poplar, white ash, black cherry, red oak, white oak, or with any suitable mixture of these species. Trees shall be spaced from 5 to 8 feet apart with square or rectangular spacing that will average at least 1,000 trees per acre. There shall be a survival of 600 trees per acre averaged over each unit area of 5 acres or less. Planting may be done at any time of year with wild

seedlings lifted with a ball of earth on their roots, but must be done during the dormant season if nursery stock is used. For black locust and other hardwoods, soil must be prepared for planting by flat-breaking or bedding or deep disking. Plantings must be adequately protected from fire and animals.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

16. Cultivating, protecting, and maintaining (by replanting if necessary) a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—**Two units (\$3) an acre.**

**SPECIFICATIONS.**—All plantings must be adequately protected to prevent serious damage from woods fires or from grazing. Planted areas adjacent to woodlands or fields where fire hazards exist must have raked or plowed fire-breaks constructed on the exposed sides of 10 feet in width. Replanting of fail places must be done on all areas on which the average survival per acre on any unit area of 5 acres or portion thereof is less than 500 pine trees or 350 hardwood trees. Plantings of black locust, black walnut, yellow poplar, white ash, or other hardwoods shall be given two cultivations during the 1940 growing season, preferably in June and August, to free the seedlings from damaging competition of weeds and other vegetation and to loosen the surface soil.

#### Miscellaneous

17. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—**One unit (\$1.50) a garden.**

**SPECIFICATIONS.**—(a) There must be at least one-fourth acre (excluding sweetpotatoes) of garden for each family.

(b) The garden (excluding sweetpotatoes) shall be planted in one piece of ground and must be devoted to vegetables throughout the year. At least ten different vegetables must be produced which may include roasting ear corn, crowder or field peas, tomatoes, and sweetpotatoes grown outside the garden plot. Two or more families on the same farm may combine their gardens into a common area. Suggested basic vegetables include sweetpotatoes, Irish potatoes, collards, turnip greens, turnip roots, snap beans, crowder or field peas, lima beans, cabbage, tomatoes, onions, and okra.

(c) The soil must be prepared properly and fertilized, and must be kept reasonably well-cultivated throughout the year.

(d) An effort must be made to control insect pests.

(e) Adequate protection from livestock must be provided.

#### Section 8. SOIL-DEPLETING ACREAGE

(a) **Soil-depleting acreage** means the acreage of land devoted during the 1940 crop year<sup>1</sup> to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Cotton which reaches the stage of growth at which bolls are first formed.

(4) Sugarcane grown for any purpose.

(5) Rice planted for any purpose.

(6) Peanuts harvested for nuts or dug for hay.

<sup>1</sup> The commercial vegetables in commercial vegetable counties designated in Section 5A, the 1940 crop year shall include December 1939.

(7) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(8) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(9) Small grains:

(a) Wheat on a farm for which a wheat allotment is determined, if considered as planted in accordance with the definition in section 3 F.

(b) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.

(c) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 percent by weight of vetch or Austrian winter peas.

(10) Sudan grass or millet harvested for grain or seed.

(11) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(12) Grain sorghums planted for any purpose.

(13) Commercial bulbs and flowers harvested for any purpose.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as sweet sorghums, the classification of the land shall remain the same as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop, *except* that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton

and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land;

(2) If commercial vegetables (or potatoes) and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to the crop other than commercial vegetables (or potatoes) for which the special acreage allotment is established; and in addition, all of the land shall be considered as planted to commercial vegetables (or potatoes) if the commercial vegetables (or potatoes) are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables (or potatoes) are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables (or potatoes).

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

## Section 9. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and deductions for acreage allotments.**—(1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.**—If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.**—If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage

of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determine such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) The deduction for excess total soil-depleting crops shall be made pro rata from the payments computed for special crop acreage allotments.

**B. Soil-building practice payments.**—The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of net deductions.**—If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

#### Section 10. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections 1 to 9, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.

(2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.

(3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in South Carolina, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate,

trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—(1) The net deduction computed for any landlord or tenant under sections 1 to 7, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for association expenses.**—There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment restricted to effectuation of the purposes of the program.**—(1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is not operated in 1940.

**F. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have

been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.**—Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the A. A. A., and unless the assignment has priority as determined under instructions issued by the A. A. A.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment established for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any

producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment, provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Materials furnished to carry out soil-building practices.**—If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the A. A. A. to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the A. A. A. in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the pay-

ments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the material misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

#### Section 11. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of section 9, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for other farms.**—If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

#### Section 12. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligi-

bility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

### Section 13. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the A. A. A., determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled

to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, vegetable, potato, or tobacco acreage allotments.

(10) **General soil-depleting crops or general crops** means all crops listed in section 8 as soil depleting, except wheat, cotton, tobacco, potatoes, and commercial vegetables for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

#### Section 14. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

*J. W. Ruggan*

*Director, Southern Division.*

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Issued June 26, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

SOUTH CAROLINA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for South Carolina (SRB-401-S.C.) is hereby amended as follows:

Amendment 1

Subsection E of section 3 is amended by changing the date in the third line from October 1, 1939 to February 20, 1940.

Amendment 2

The seeding mixture for practice 8 under section 7 E is amended to read as follows:

"Dallis grass - 10 pounds per acre  
Lespedeza - 15 pounds per acre  
White Dutch clover - 1 to 4 pounds per acre  
or Alsike clover - 4 pounds per acre"

Amendment 3

Practice 9 under section 7 E is amended to read as follows:

- "9. Seeding permanent pasture mixtures containing a full seeding of Dallis or carpet grass --  
Two units (\$3) an acre.

SPECIFICATIONS: (a) Non-cropland to be seeded to permanent pasture shall be stirred by double-harrowing or its equivalent.

(b) Mixture and rate of seeding per acre:

Carpet grass - 8 pounds  
Dallis grass - 15 pounds  
Lespedeza - 15 pounds  
White Dutch clover - 1 to 4 pounds  
or Alsike clover - 4 pounds

OR

in cases where Bermuda roots are  
already established in area to be  
seeded or where Bermuda roots or  
root cuttings are planted immediately  
prior to seeding of grass and clover:

Dallis grass - 10 pounds  
Lespedeza - 15 pounds  
White Dutch clover - 1 to 4 pounds  
or Alsike clover - 4 pounds

(c) All preparation and seeding must be done  
in a workmanlike manner and in accordance with  
good farming practice.

Bulletin No. 99, "Permanent Pastures for  
South Carolina," issued by the South Carolina  
Extension Service, may be used, if available,  
as a guide for the preparation and planting of  
all permanent pastures under the AAA program."

#### Amendment 4

Subsection (d) of section 8 is amended to read as  
follows:

"(d) Truck crops and vegetables that are  
entirely consumed on the farm are considered as  
having been produced in home gardens for use on  
the farm, and the acreage devoted to such crops  
is not classified as soil depleting and will not  
be charged against the commercial vegetable allot-  
ment, if any, determined for the farm."

#### Amendment 5

Subsection (e) of section 8 is amended by changing the  
period at the end thereof to a semicolon and adding the  
following:

"provided further, that if cotton and asparagus  
are grown in alternate rows, the land shall be  
classified according to the actual acreage  
occupied by each crop."

Amendment 6

Section 10 G is amended to read as follows:

"G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Amendment 7

Section 10 is amended by adding subsection K, as follows:

"K. Deductions in case of erroneous notice of acreage allotment. Notwithstanding the deduction provisions of sections 1 to 6, inclusive, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division.

Issued December 7, 1940

JAN 29 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

SOUTH CAROLINA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for South Carolina (SRB-401-S.C.) is hereby further amended as follows:

Section 10 J is revised as follows:

"J. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

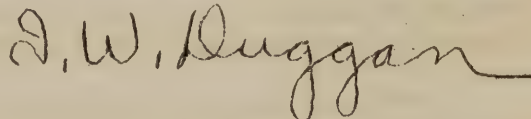
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate

the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 14, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.



I. W. Duggan,  
Director, Southern Division.

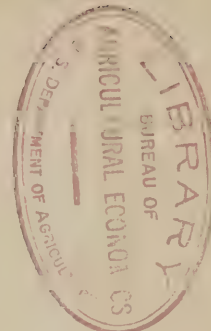
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Supp. 3

Issued February 13, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

SOUTH CAROLINA HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 3



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for South Carolina (SRB-401-S.C.) is hereby further amended as follows:

Practice 5 under section 7 E is revised by adding the following subpractices (a) and (b):

"5(a) Seeding not less than 25 pounds of Austrian winter peas but less than 30 pounds per acre, broadcast -- 5/6 unit (\$1.25) an acre.

"5(b) Seeding not less than 20 pounds of Austrian winter peas but less than 25 pounds per acre, broadcast -- 2/3 unit (\$1.00) an acre.

"The requirements with reference to inoculation and lime in the original specifications for this practice shall also apply to these new subpractices."

Issued February 13, 1941, with the approval of the Acting Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division.

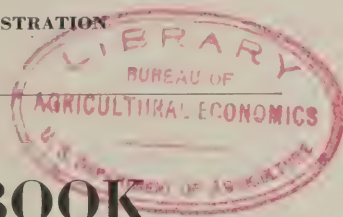


SRB-401-Tex.

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

SOUTHERN DIVISION



# TEXAS HANDBOOK

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1940 Agricultural Conservation Program



*Issued January 1940*

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UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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## FOREWORD

The 1940 Agricultural Conservation Program in Texas is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are :

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

## TEXAS HANDBOOK

### 1940 Agricultural Conservation Program

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Texas in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 12 B) are applicable only to farms in Texas but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under Government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies. The provisions of this handbook are also not applicable to farms in Dallam, Deaf Smith, Hansford, Hartley, Moore, Oldham, and Sherman Counties for which special agricultural conservation programs are approved for 1940 by the Secretary.

The 1940 program is effective for the period beginning January 1, 1940, and ending November 30, 1940, in all counties except Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, McMullen, Starr, Willacy, and Zapata. In the counties listed the program is effective for the period beginning January 1, 1940, and ending October 31, 1940. However, the acreages of commercial vegetables will be counted on a 12-month basis beginning November 1, 1939, for the counties listed and January 1, 1940, for all other counties.

#### Section 1. COTTON

**A. Farm Allotments.** The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of wheat and rice, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms; that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.** The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. WHEAT

**A. Farm Allotments.** (1) The county committee, with the assistance of other local committees, shall determine allotments for farms on which wheat was planted for harvest in one or more of the years 1937, 1938, or 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allot-

ments for all farms in the same community which are similar with respect to such factors shall be comparable.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any of the years 1937, 1938, or 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of tillable acreage, crop-rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

**B. Non-Wheat-Allotment Farm** means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, or within 15 days after notice of the allotment is mailed to the operator, to have such farm considered as a non-wheat-allotment farm, or (2) a farm which is owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

**C. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a wheat allotment and for each non-wheat-allotment farm on which the wheat acreage for harvest in 1940 is in excess of 10 acres.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1929 to 1938, inclusive, adjusted for trends in yields and abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county will not exceed the normal yield established for the county.

**D. Payments.** For a wheat-allotment farm, the payment is 9 cents for each bushel of the normal yield for each acre in the wheat allotment. There shall be a deduction at the rate of 50 cents for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment.

For a non-wheat-allotment farm, a deduction shall be computed on the above basis for each acre of wheat harvested for any purpose after reaching maturity in excess of the larger of the allotment or 10 acres.

**E. Acreage Planted to Wheat** means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by

weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which remains on the land after May 1, 1940; and (3) any acreage seeded to a mixture designated under (1) above and the wheat matures, but the other crops fail to mature.

### Section 3. RICE

**A. Allotments.** (1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each farm tilled by a producer who is participating in the production of rice in 1940 and who participated in the production of rice in one or more of the 5 years 1935-1939 on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1940, taking into consideration crop-rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned to farms tilled by producers who are participating in the production of rice in 1940 for the first time since January 1, 1935, on the basis of the applicable standards of apportionment set forth in paragraph (1), except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1940 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1935-1939.

**B. Farm Normal Yields.** The State and county committees, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1935-1939, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1935-1939 established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields will not exceed the State average yield.

**C. Payments.** The payment is **6.5 cents** for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **65 cents** for each 100 pounds of the normal yield of the excess acres.

#### Section 4. PEANUTS

**A. Farm allotments.** The county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for each farm having a peanut allotment. The normal yield shall be determined on the basis of the yields of peanuts made on the farm, with due consideration for type of soil, production practices, and general fertility of the land. The average yield for **all** farms in any county shall not exceed the average yield of peanuts established for the county.

**C. Payments.** The payment is **12½ cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.50** for each 100 pounds of the normal yield of the excess acreage.

**D. Peanuts for Market** means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

#### Section 5. COMMERCIAL VEGETABLES

**A. Farm Allotments.** In the commercial vegetable counties designated in subsection C, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-1937 average acreage or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.** The payment is **\$1.50** for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of **\$20** for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial Vegetable Counties** are as follows:

Atascosa, Bee, Bexar, Brooks, Cameron, Cherokee, Collin, Dallas, Dimmit, Duval, Ellis, Fannin, Fort Bend, Frio, Galveston, Harris, Henderson, Hidalgo, Hunt, Jim Wells, Karnes, Kaufman, Kleberg, LaSalle, Limestone, Live Oak, Maverick, Medina, Navarro, Nueces,

Refugio, Rockwall, San Patricio, Smith, Tarrant, Van Zandt, Webb, Wharton, Willacy, Wilson, and Zavala.

**D. Commercial Vegetables** means the acreage of annual vegetables or truck crops (including potatoes, sweetpotatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

#### Section 6. TOTAL SOIL-DEPLETING CROPS

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm. The allotment shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

**B. Farm Productivity Indexes.** The county committee, with the assistance of other local committees, shall determine a productivity index for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crops in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity. The average productivity index for **all** farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

**C. Payments.** The rate of payment for general-allotment farms is the county rate per acre,<sup>1</sup> adjusted for productivity, for each acre in the total soil-depleting allotment in excess of the sum of (1) the special crop allotments for which payments are computed and (2) the acreage of sugar beets for sugar planted on the farm for harvest in 1940. For general-allotment farms, there shall be a deduction at the county rate,<sup>1</sup> adjusted for productivity, for the soil-depleting acreage in excess of the sum of (1) the total allotment and (2) the acreage for which deductions are computed with respect to special crops. For non-general-allotment farms, there shall be a deduction on the above basis for the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage for which deductions are computed with respect to special crops.

<sup>1</sup> The average rate of payment per acre for general crops in the United States is \$1.10 per acre and the average rate of deduction is \$8 per acre. The Secretary will establish for each county a rate of payment and deduction per acre.

**D. Non-General-Allotment Farm** means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect prior to March 31, 1940, to have such farm considered as a non-general-allotment farm.

**E. General Soil-Depleting Crops or General Crops** means (1) all crops and land uses listed in the definition of "soil-depleting acreage," except special crops for which a separate payment or deduction is computed for the farm, (2) wheat on a non-wheat-allotment farm, and (3) sugar beets for sugar.

#### Section 7. RESTORATION LAND

**A. Farm Restoration Land.** Restoration land shall be designated by the county committee, with the assistance of other local committees, on the basis of the land in the farm which was designated as restoration land under the 1938 or 1939 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored; provided, that new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. Restoration land may be designated in the following counties:

Hutchinson, Lipscomb, and Ochiltree.

The county committee shall designate practices to be carried out on restoration land which it determines to be in need of additional practices. With the approval of the State committee, land improperly designated as restoration land under the 1938 or 1939 program may be restored to its former cropland status when offset by an equal acreage of land in the county which is properly designated in 1940 as restoration land.

**B. Payments.** The payment is **15 cents** for each acre of restoration land on the farm.

**C. Deductions.** There shall be a deduction of **\$3** for each acre of restoration land which is plowed or tilled in 1940 for any purpose other than tillage necessary to prevent erosion or tillage operations in connection with the seeding of an approved non-depleting cover crop or permanent grass mixture.

#### Section 8. MISCELLANEOUS DEDUCTIONS

**A. Failure to Prevent Wind and Water Erosion.** There shall be a deduction of **\$1** for each acre of land in the farm which is subject to serious wind and water erosion and on which approved measures for the prevention of wind and water erosion are not adopted in 1940. Applicable in the following counties:

Carson, Castro, Gray, Hemphill, Hutchinson, Lipscomb, Ochiltree, Parmer, Potter, Randall, Roberts, and Wheeler.

**B. Breaking Out Native Sod.** There shall be a deduction of **\$3** for each acre of native sod or any other land on which a permanent vegetative cover has been established which is broken out during the

period January 1, 1940, to November 30, 1940, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land. Applicable only in the following counties:

Hutchinson, Lipscomb, and Ochiltree.

### Section 9. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National Goal.** The 1940 national soil-building goal shall be the conservation of cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County Goals.** Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion. Payment will not be made in connection with any practice not included in the county goal.

**C. Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section, except that for any farm in the following counties which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes, the soil-building goal shall not be less than one unit for each \$2 of the total payment for such farm and the total payment for such farm shall be considered as a payment in connection with soil-building practices:

Carson, Castro, Gray, Hemphill, Hutchinson, Lipscomb, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, and Wheeler.

The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent wind and water erosion and should not be routine farming practices.

**D. Payments.** The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments, restoration land, and under items (1) to (6), inclusive, of this subsection is less than \$20,

the maximum payment available as soil-building assistance shall be increased by the amount of the difference:

- (1) **55 cents** for each acre of cropland in excess of the total soil-depleting allotment for the farm;
- (2) **70 cents** for each acre in the vegetable allotment;
- (3) **\$1.50** for each acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;
- (4) For non-crop open pasture land in the farm:

(a) **12 cents** per acre in the following counties and in all counties lying east of the counties named: Bee, Bell, Comal, Cooke, Denton, Gonzales, Guadalupe, Hays, Hill, Johnson, Karnes, Kleberg, McLennan, Nueces, San Patricio, Tarrant, Travis, and Williamson.

(b) **11 cents** per acre in the following counties: Bandera, Bexar, Blanco, Concho, Edwards, Gillespie, Kendall, Kerr, Kimble, Llano, McCulloch, Mason, Medina, Menard, Real, Schleicher, Sutton, Tom Green, and Wilson.

(c) **10 cents** per acre in all counties other than those named in (a) and (b) above.

(5) For non-general-allotment farms, the county rate per acre, adjusted for productivity, for each acre in the total allotment in excess of the sum of (i) the special crop allotments for which payments are computed and (ii) the acreage of sugar beets for sugar planted for harvest in 1940;

(6) **45 cents** for each acre of restoration land designated on the farm;

(7) **\$1.50** for each unit of credit for planting forest trees in accordance with practice 28, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, \$1.50 will be deducted from the maximum soil-building assistance, except that if the soil-building goal was computed at the \$2 rate under subsection C of this section, the rate of deduction shall be \$2 for each unit.

**E. Soil-Building Practices.** The soil-building practices listed below, if included in the soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching soil-building goals, to the extent indicated, when they are carried out during the 1940 program year<sup>2</sup> in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

Full credit for reaching the goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid

<sup>2</sup> January 1, 1940, to October 31, 1940, inclusive, for Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, McMullen, Starr, Willacy, and Zapata Counties, and January 1, 1940, to November 30, 1940, for all other counties.

by the owner or operator or covered by a loan agreement executed by him. If one-half or more of such cost is paid by the owner or operator or covered by a loan agreement executed by him, one-half credit will be given; if less than one-half, no credit will be given.

Wind-erosion-control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on land owned or leased by a conservation district, conservation association organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

#### EROSION CONTROL

### 1. Construction of standard terraces for which proper outlets are provided—200 feet, 1 unit (75 cents per 100 feet).

**Terraces to be approved for payment:** (a) Must not exceed a fall of 4 inches per 100 feet along the terrace line (level terraces preferred where adaptable, particularly on land having very little slope in low rainfall areas).

(b) Must have fills in terrace line across gullies built up to normal level for the terrace ridge.

(c) Must equal or exceed the height and width specifications and must not be spaced further apart than the maximum widths indicated in the following table.

(d) The outlet ends of all terrace channels shall be protected by means of sodded channels, rock riprap, or other mechanical devices to prevent erosion of the terrace channel. Any terraces which are not properly protected will not be accepted under this practice.

Slope of land in feet per 100 feet <sup>1</sup>	Minimum height—top of terrace above upper channel		Minimum width from low point in terrace channel to center top of terrace <sup>2</sup>		Recommended average distance between terraces <sup>3</sup>
	New terrace before ledges are plowed in	Plowed-in settled terrace	New terrace before ledges are plowed in	Plowed-in settled terrace	
	<i>Inches</i>	<i>Inches</i>	<i>Feet</i>	<i>Feet</i>	<i>Feet</i>
½ or less -----	15	10	11	9	210
1 -----	16	11	11	9	150
2 -----	18	12	10	8	100
3 -----	18	12	10	8	83
4 -----	19	12½	10	8	75
5 -----	19	12½	9	7	70
6 -----	20	13	9	7	67
7 -----	20	13	9	7	64
8 or more -----	21	14	8	6	62

<sup>1</sup> Over ½ foot in vertical fall will be considered as 1 foot. Maximum slope on which terraces will be approved will be determined by the State committee.

<sup>2</sup> On slopes in excess of 3 percent, the minimum width specification may be disregarded, provided the area of the cross section of the terrace equals or exceeds that of a terrace constructed in accordance with minimum width specifications. The width of the lower side of terrace shall, in all cases, be at least ¾ the width of the upper side of terrace, as indicated.

<sup>3</sup> This recommended average distance, which is the horizontal spacing between terraces, must not be exceeded by more than 30 percent.

### 2. Contour ridging of non-crop open pasture land—1,000 feet, 1 unit (15 cents per 100 feet).

Ridges or narrow terraces must be at least 3 feet wide from the low point in upper or lower channel to the top of the ridge, at least 15 inches high above

the low point in the upper channel, and spaced not more than one-third of the maximum terrace interval, as provided under practice 1. Ridges may be pushed from either the upper or the lower side or from both sides. Ridges must not empty directly into gullies but should be blocked at the ends or turned uphill before crossing gullies. Guide lines shall be established for each ridge.

### 3. Construction of reservoirs and dams—10 cubic yards material moved, 1 unit (15 cents per yard).

Before a reservoir or dam is constructed under this practice, it must be determined by the county committee that such reservoir or dam will be an efficient means of preventing erosion.

The site for the reservoir or dam shall be inspected and if the dam to be constructed will be 8 feet or more in height or will consist of approximately 300 cubic yards or more of earth, or in all cases where the surface of the ground on which the dam is to be built is extremely irregular, a preliminary survey shall be made before construction is started. At least one bench mark shall be established far enough from the dam so that it will not be disturbed during construction. All measurements and elevation readings shall be made from this reference point. Along the lengthwise contour line of the dam a minimum of three stakes shall be set, one at either end of the proposed dam and one at the lowest point of the stream bed. Additional stakes shall be set at all points where there is a break in the slope of the land. The location and elevation of each stake with reference to the established bench mark shall be properly measured and recorded. If the surface of the ground on which the dam is to be built is irregular, additional stakes should be set along the outline of the base at right angles to the lengthwise center line and spaced so that they will be in line with the main center line stakes. The location and elevation of these stakes must likewise be recorded.

To reduce seepage, a trench at least 4 feet wide shall be dug along the center line of the dam deep enough to reach a reasonably impervious subsoil. This trench should be filled with the most impervious soil readily available at or near the dam site and should form the base of a core of this same material which should be carried to a height equal to the normal water level in the completed dam. Where it is thought desirable, the entire base of the dam should be scarified to insure better bonding of the fill with the base of the dam. Where dams are built across gullies with steep banks, these banks should be sloped to form a trench for better bonding with the fill.

To be eligible for approval, dams and spillways shall be adequate. No dam shall be approved unless the top is at least 3 feet wide and is at least 3 feet higher than the floor of the spillway. The downstream slope of the dam should not be less than 1:1 (i. e., one foot horizontal to one foot vertical) but need not be greater than 2:1 regardless of the size and height of the dam. On small dams (7 feet high or less) or on large dams or where there will be considerable wave action, upstream slopes should be at least 3:1 but may be  $1\frac{1}{2}$ :1. The top width of the dam will be increased in accordance with the height of the dam, the size of the drainage area, the capacity of the spillway, and other local conditions. For dams ten feet in height, the top must have a minimum width of five feet.

The cross sectional area of the spillway shall be at least twice the cross sectional area of the stream at its highest flood stage in the past. The top of the dam shall be not less than three feet above the floor of the spillway and this distance shall be increased sufficiently to insure water not running over the dam during floods. Unless the spillway is naturally protected from damaging erosion, such protection must be provided. The end of the dam shall be rippedraped if it forms a part of the spillway.

Earth used in the construction of the dam or excavated in the spillway (unless such excavated earth is used in the dam) shall be measured and its volume computed. The completed dam shall not be approved unless it is considered adequate and has adequate spillway facilities. The gross volume of earth used in the construction of the dam shall be reduced by 10 percent to compensate for shrinkage and settling before being certified for payment.

Further helpful information regarding the construction of reservoirs and dams may be found in Texas Extension Circular No. MS-355.

4. Construction of ditches for the diversion of floodwater or well water on restoration land, cropland, pasture land, or hay land—**300 linear feet, 1 unit (50 cents per 100 feet).**

Ditches must have a depth of 1 foot and a width of 4 feet, or the cubic equivalent thereof. This practice is applicable in the following counties and all other counties lying west of these counties:

Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

5. Leaving stalks of sorghums, broomcorn, and Sudan grass on the land as a protection against wind erosion—**4 acres, 1 unit (37½ cents per acre).**

The stalks must be at least 10 inches in height. This practice is applicable only on farms where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that the cover will be left on the land until the spring of 1941. This practice will apply in Hutchinson, Lipscomb, and Ochiltree counties.

6. Contour listing, subsoiling (chiseling), or furrowing non-crop land—**4 acres, 1 unit (37½ cents per acre).**

The furrow channels must be not less than 8 inches wide and 4 inches deep and not less than 3 feet apart, or if subsoiled (chiseled) not less than 3 inches wide and 6 inches deep. If the furrows are 8¼ feet (one-half rod) or less apart, the actual acreage of land furrowed will count under this practice. If furrows are over 8¼ feet apart, the acreage of the practice will be computed on the basis of the acreage occupied by the furrows, each furrow being considered to occupy a strip 8¼ feet wide. Guide lines for lister furrows must be set up at not to exceed one-half the terrace interval specified in practice 1.

7. Stripcropping on the contour—**4 acres, 1 unit (37½ cents per acre).**

The strips must consist of erosion-resisting crops, alternating with strips of other types of erosion-resisting crops or with erosion-permitting intertilled crops or two of such alternating strips of crops alternating with one strip of fallow, strips to be not less than ten feet nor more than 200 feet wide, and the strips of erosion-resisting crops to occupy at least 30 percent of the area of the field. For the purpose of this practice, sorghums, Sudan grass, and millet in rows or solid-seeded, and small-grain crops, shall be classified as erosion-resisting crops; cotton, corn, and other crops grown in rows (except sorghums, Sudan grass, and millet) shall be classified as erosion-permitting crops.

8. Protecting summer-fallowed acreage from wind and water erosion—**4 acres, 1 unit (37½ cents per acre).**

This applies to acreage from which no crop is harvested in 1940. Such acreage must be kept sufficiently free of vegetative cover so that available moisture is conserved, by either of the following methods:

- (a) Contour listing or pit cultivation to be done in the spring of 1940 not later than June 15, 1940, in accordance with the specifications of practice 10 or 12. This practice will apply in Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dawson, Donley, Ector, Floyd, Gaines, Gray, Hale, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Ochiltree, Parmer, Potter, Randall, Roberts, Swisher, Terry, Wheeler, Winkler, and Yoakum counties.
- (b) Contour listing or pit cultivation, or otherwise incorporating the stubble and other trash into the soil not later than June 1, 1940 (where such practice is approved by the county committee as a good practice for the farm), in the following counties and in all counties lying west of the counties named, except those included in (a) above:

Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

Where fallow strips alternate with rows or strips of crops, the actual acreage of land in the fallow strips shall qualify in accordance with this practice 8, provided such fallow strips between rows or strips of crops are not less than 7 feet and not more than 200 feet wide, and that the fallow strips shall not occupy more than two-thirds of the total area of the land occupied by such rows or strips of crops and fallow; such width of fallow strips being measured from the outside of the  $3\frac{1}{2}$ -foot strips which shall be considered to constitute a row. Fallow strips for which credit is given under this practice cannot be counted for credit under practice 7.

**9. Contour farming intertilled crops—8 acres, 1 unit ( $18\frac{3}{4}$  cents per acre).**

This practice consists of the planting and cultivation of row crops following the contour as determined by a farm level or surveyor's instrument, or following established terraces. If the land is not terraced, the rows must follow guide lines established at not to exceed twice the terrace interval specified in practice 1.

**10. Contour listing of cropland in 1940—6 acres, 1 unit (25 cents per acre).**

The furrows shall be made with a regular double moldboard lister or with a chisel of approved design, or other implement accomplishing the same results according to the specifications given herein.

(a) The furrows shall not be more than 4 feet nor less than 20 inches apart and shall, if listed, not be less than 8 inches wide and 4 inches deep, or if chiseled, not be less than 4 inches wide and 8 inches deep;

(b) The furrowing shall be done with the contour of the land, following guide lines established at not to exceed twice the terrace interval specified in practice 1, or following established terraces;

(c) The contours shall be maintained until final preparation of the land for a crop.

On slopes averaging greater than  $3\frac{1}{2}$  feet to each 100 feet the contour listing must be in combination with terracing. These specifications shall apply where contour listing is used in protecting summer fallow, except that such contour listing shall not qualify under this practice 10. Contour listing as a part of a seeding operation shall not qualify as a soil-building practice.

**11. Seeding small-grain crops for harvest in 1940 on the contour—10 acres, 1 unit (15 cents per acre).**

Seeding must follow guide lines established with a standard farm level or surveyor's instrument at not to exceed twice the terrace interval specified in practice 1, or following established terraces.

**12. Pit cultivation of cropland—8 acres, 1 unit ( $18\frac{3}{4}$  cents per acre).**

This must be done with an approved basin lister which will dam the lister furrows at regular intervals or with another implement accomplishing similar results. The furrows are not to be more than 4 feet nor less than 20 inches apart and not less than 4 inches deep and the pits or basins must occupy at least 25 percent of the land. On slopes greater than 2 percent, this practice will not qualify unless done on the contour following guide lines established at not to exceed twice the terrace interval specified in practice 1, or must follow established terraces. These same specifications shall apply where pit cultivation is used in protecting summer fallow, except that such practice shall not qualify under this practice 12. Pit cultivation on the contour will qualify under practice 10 if meeting other specifications of that practice. Pit cultivation as a part of a seeding operation shall not qualify as a soil-building practice.

**13. Leveling of hummocks created by wind erosion where such practice has prior approval of the county committee—1 acre, 1 unit (\$1.50 per acre).**

Applicable only on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

## SEEDINGS

14. Seeding adapted varieties of alfalfa on a properly prepared seedbed—**1 acre, 1 unit (\$1.50).**

15. Seeding permanent grasses or pasture mixtures—**1/2 acre, 1 unit (\$3.00 per acre).**

There must be a full seeding of Rhodes grass, Dallis grass, grama, or Bermuda grass. The kind of grass to be seeded or the mixtures of grasses or legumes and grasses where legumes are essential for the establishment of pastures must be approved by the county committee prior to the time of seeding. No credit will be given for this practice when carried out on depleted pasture land nor on land on which a permanent vegetative cover is being established in 1940 under practice 26, or has been established under previous agricultural conservation programs.

16. Seeding annual sweetclover, annual ryegrass, biennial or perennial grasses, or mixtures containing perennial grasses, perennial legumes or biennial legumes—**2 acres, 1 unit (75 cents per acre).**

These crops must be seeded on a suitable, well-prepared seedbed. Credit may be earned under this practice by seeding such grasses and legumes or mixtures on cropland or pasture land, except that credit will not be given for carrying out this practice in 1940 on land on which practice 26 is carried out. Credit will not be given under this practice for any other grasses or legumes qualifying at a higher rate of credit under any other practice or for timothy or redtop seeded alone or a mixture consisting solely of timothy and redtop.

17. Seeding winter legumes—**1 acre, 1 unit (\$1.50 per acre).**

These crops must be seeded on a suitable, well-prepared seedbed. On fields where it is known that there is a deficiency of lime, lime must be applied. Seedings must not be less than the following rates:

- Vetch—15 to 20 pounds per acre
- Australian winter peas—20 to 30 pounds per acre
- Bur-clover (clean)—12 to 15 pounds per acre
- Bur-clover (burs)—20 to 25 pounds per acre

These crops must be properly inoculated before planting.

18. Seeding lespedeza—**1 1/2 acres, 1 unit (\$1.00 per acre).**

The lespedeza must be seeded on a suitable, well-prepared seedbed at not less than 15 pounds per acre.

19. Establishment of a permanent vegetative cover by planting crowns of kudzu—**1/4 acre, 1 unit (\$6.00 per acre).**

A minimum of 500 crowns per acre must be planted before the start of growth in the spring, of which 60 percent or more must be growing at the time of checking performance.

## SOIL IMPROVEMENT

20. Application of the following materials to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture, if such crops are not seeded or grown with soil-depleting crops.

(a) 240 pounds of 20 percent superphosphate or its equivalent—**1 unit (\$1.50).**

(b) 500 pounds of rock or colloidal phosphate—**1 unit (\$1.50).**

The material must be applied evenly over the area on which application is made. The crops to which the material is applied must not be seeded or grown with a soil-depleting crop. Winter legumes sown in row-crop middles are not considered as seeded or grown with a soil-depleting crop. In the case of lespedeza seeded alone, winter legumes, annual ryegrass, and crotalaria, application must be made at or before the time of seeding. In the case of lespedeza seeded with small grains, the material must not be applied before the grain crop is harvested. Rock phosphate must be ground sufficiently fine so that 80 percent will pass through a 100-mesh sieve.

**21. Application of ground limestone—1,500 pounds, 1 unit (\$1.50).**

The limestone must contain at least 90 percent calcium carbonate equivalent and shall be ground fine enough for 95 percent or more of it to pass through a 10-mesh sieve and 40 percent or more of it to pass through a 60-mesh sieve.

**22. (a) Green manure and cover crops of non-legumes other than annual ryegrass, except in orchards or on commercial vegetable land—2 acres, 1 unit (75 cents per acre).**

**(b) Other green manure and cover crops including non-legumes in orchards or on commercial vegetable land—1 acre, 1 unit (\$1.50 per acre).**

A good stand and a good growth of green manure or cover crops must be plowed or disked under if on land not subject to erosion. If on land subject to erosion, these crops must be left on the land, or summer-grown crops plowed or disked under must be followed by a winter cover crop. Green manure crops shall not include lespedeza, wheat, grain sorghums, peanuts hogged-off, any crop for which credit is given in 1940 under any other practice, or soybeans from which the seed is harvested by mechanical means.

Some of the crops that may qualify under (a) are: Sweet sorghums, Sudan grass, millets, and small grains (except wheat).

Some of the crops that may qualify under (b) are: Austrian winter peas, vetch, cowpeas, soybeans except where the seed is harvested by mechanical means, velvetbeans, clovers, annual ryegrass; and in orchards or on commercial vegetable land, sweet sorghums, Sudan grass, millets, and small grains (except wheat).

**23. Summer legumes, excluding those classified as soil depleting, and excluding peanuts hogged-off, interplanted or grown in combination with soil-depleting crops—4 acres, 1 unit (37½ cents per acre).**

A good stand and a good growth must be obtained and the vines not harvested or in the case of soybeans the seed removed by mechanical means. The summer legumes must occupy at least one-third of the land.

#### PASTURE IMPROVEMENT

**24. Natural reseeding (restoration) of non-crop open pasture land by non-grazing (deferred grazing)—8 acres, 1 unit (18¾ cents per acre).**

The deferred area must be kept free of livestock during the normal pasture season and must be mowed at least once during the non-grazing period, if recommended by the county committee. Heavy infestations of pricklypear must also be eradicated. For Zapata, Jim Hogg, Brooks, and Kenedy counties and all counties lying south of these counties, the non-grazing period shall be from April 15 to September 15. For Wichita, Archer, Throckmorton, Shackelford, Jones, Taylor, Nolan, Coke, Sterling, Reagan, Crockett, and Terrell counties and all counties east of these counties, except those listed above, such period shall be from May 1 to October 1. For all other counties in Texas, such period shall be from June 1 to November 1.

25. Renovation of perennial grasses or legumes or mixtures of these—  
**3 acres, 1 unit (50 cents per acre).**

Mowing to control noxious plants provided at least 2 mowings are made during the growing season and the plants mowed are not used for hay or sold for any purpose.

26. Establishment of a permanent vegetative cover by planting sod pieces of Bermuda, buffalo, mesquite, Dallis, or carpet grass—  
 **$\frac{1}{3}$  acre, 1 unit (\$4.50 per acre).**

The sodding must be done in a manner to provide a minimum of one sod piece for each 28 square feet of land in the field sodded. At least 75 percent of the grass sodded must be growing at the time of checking performance.

Permanent pasture mixtures of grasses and legumes specified by the county committee must be seeded in connection with the sodding if such grasses and legumes are needed in 1940 in the establishment of a permanent pasture and the committee determines that climatic and moisture conditions are such that the seeding of such legumes and grasses is practical.

27. Development of springs or seeps by excavation—**5 cubic feet of soil or gravel or 3 cubic feet of rock excavated, 1 unit (30 cents per cubic foot of soil or gravel and 50 cents per cubic foot of rock).** The spring or seep to be developed must be determined by the county committee to be an efficient means of preventing erosion and the destruction of grass by providing a better distribution of stock water on the farm.

Water storage of at least 20 cubic feet must be provided. The water source shall be protected from trampling. Payment will not be made for less than 65 cubic feet of soil or gravel or 39 cubic feet of rock formation excavated. Payment will not be made for more than 335 cubic feet of soil or gravel or 201 cubic feet of rock excavated.

#### FORESTRY

28. Planting forest trees (including shrubs in protective plantings)—  
 **$\frac{1}{5}$  acre, 1 unit (\$7.50 per acre).**

In the Pine-Hardwood and Post Oak-Hardwood regions: (1) The planting of forest trees on old fields or areas from which practically all timber has been cut is recommended where there are insufficient seed trees present to naturally reseed the area to desirable species of forest trees; (2) when planting in plowed furrows the plowing should be done along contours. Preparation of site otherwise unnecessary, except where there is a heavy covering of brush which would seriously compete with or render unsuccessful any attempt to establish a stand of forest trees. In such cases, the brush should be grubbed from 2-foot square spots where each tree is to be planted; (3) spacing of planted trees. A semi-regular 6 x 8 foot spacing, or approximately 1,000 trees per acre for pines and an 8 x 8 foot spacing, or approximately 700 trees per acre for most hardwoods will give an adequate stand with a survival at the time performance is checked of 65 percent; (4) species recommended for planting.

(a) In the Pine-Hardwood region: Shortleaf, loblolly, longleaf, and slash pines, black locust, Osage-orange, white and red oak, mulberry, shagbark or white hickory, white ash, black walnut, magnolia, and sweetgum,

(b) In the Post Oak-Hardwood region: Post oak, honeylocust, cottonwood, black walnut, Osage-orange, and in some favorable locations, loblolly pine.

Maintaining a good stand by replanting will not qualify under this practice but may qualify under practice 29.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice. No credit for reaching the goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into in connection with the Prairie States Forestry Project.

29. Cultivating, protecting, and maintaining a good stand of forest trees planted between July 1, 1936, and January 1, 1940 (or before July 1, 1940, if under a cooperative agreement with a governmental agency)—**½ acre, 1 unit (\$3.00 per acre).**

In areas where cultivation is necessary, it should consist of sufficient number of cultivations during the open season to assure satisfactory growth. Each cultivation shall be in accordance with approved tillage methods as applied for row crops. Burning and harmful grazing must have been prevented. Maintaining, by replanting, if necessary, an adequate stand of forest trees with a minimum survival of 450 well-distributed trees per acre when planted as woodlots. For windbreak plantings, a minimum survival of 350 well-distributed trees per acre shall be considered adequate.

#### MISCELLANEOUS

30. Growing a home garden—**1 unit (\$1.50).**

Credit will be given for a home garden grown on the farm for each landlord, tenant, or sharecropper family on the farm.

A home garden shall consist of any acreage on the farm upon which vegetables are grown for home use, either for consumption fresh during the growing season, or for canning, drying, or storing.

The total area of all plots on the farm planted to vegetables for home use shall be counted in determining the size of the home garden which, for the purpose of this practice, shall not be less than one-half acre.

The garden planting shall consist of at least 10 different kinds of vegetables and the area devoted to any one vegetable shall not exceed one-third of the garden acreage. Each kind of vegetable shall be planted in sufficient quantity to supply the farm family with a well-balanced vegetable diet. The garden must be planted on a well-prepared seedbed and cultivated in accordance with good garden culture.

31. Protecting restoration land—**4 acres, 1 unit (37½ cents per acre).**

Credit will be given for land properly designated as restoration land in 1938 or 1939, on which the county committee finds that no soil-building practice is needed in 1940 for the establishment of a permanent vegetative cover.

#### Section 10. SOIL-DEPLETING ACREAGE

(a) **Soil-depleting acreage** means the acreage of land devoted during the 1940 crop year<sup>3</sup> to one or more of the following crops or uses. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

- (1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.
- (2) Grain sorghums planted for any purpose.
- (3) Cotton which reaches the stage of growth at which bolls are first formed.
- (4) Sugar beets planted for any purpose.
- (5) Sugarcane grown for any purpose.
- (6) Peanuts harvested for nuts or dug for hay.
- (7) Rice planted for any purpose.
- (8) Broomcorn planted for any purpose.
- (9) Mangels or cowbeets planted for any purpose.

<sup>3</sup> Commercial vegetables harvested in November and December, 1939, in Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, McMullen, Starr, Willacy, and Zapata counties and those harvested in December 1940 in all other counties will be classified as commercial vegetables under the 1940 program.

(10) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(11) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(12) Field beans planted for any purpose, except when used as green manure or grown in home gardens for use on the farm.

(13) Peas planted for canning, freezing, or dried peas, except when used as green manure or grown in home gardens for use on the farm.

(14) Wheat planted (or regarded as planted) for any purpose on a wheat allotment farm.

(15) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for grain.

(16) Wheat on a non-wheat-allotment farm, oats, barley, rye, or mixtures of these crops (including designated mixtures containing wheat on any farm) harvested for hay, except (i) when such crops are used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut for hay not later than the bloom stage, or (ii) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.

(17) Buckwheat, Sudan grass, or millet harvested for grain or seed.

(18) Sweet sorghums when harvested for grain, seed, or sirup.

(19) Land summer-fallowed and not protected from wind and water erosion by contour listing, pit cultivation, stripcropping, border planting, or by other methods approved by the State committee.

(20) Flax planted for any purpose, except when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in a workmanlike manner.

(21) Commercial bulbs and flowers and commercial castor beans harvested for any purpose.

(b) If one soil-depleting crop or land use is followed by another soil-depleting crop or land use on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as grain sorghum, the classification of the land shall remain the same

as above, that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop or land use occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop or land use, *except* that:

(1) If a soil-depleting crop (other than commercial vegetable) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land, provided, that if cotton and peanuts are the crops and the peanuts are harvested for nuts, cotton shall be considered to occupy all of the land, and in addition, each row of peanuts shall be considered to occupy a strip of land 2 feet in width.

(2) If commercial vegetables and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to the crop other than commercial vegetables for which the special acreage allotment is established; and in addition, all of the land shall be considered as planted to commercial vegetables if the commercial vegetables are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables.

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting, with the following exceptions:

(1) Where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop), provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

(2) Flax when followed by, planted with, or matched acre for acre by, biennial or perennial legumes or perennial grasses.

#### Section 11. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and Deductions for Acreage Allotments and Restoration Land.** (1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the

landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940, with the following exceptions:

(i) **Crop failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, or insects, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(iii) **Separately-owned tracts.** In cases where two or more separately-owned tracts of land comprise a farm, upon the written agreement of all persons who are entitled to receive a share of the proceeds of any such crop, the share of each such person in the net payment or net deduction computed for such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes, as each such class shares in the crop, or proceeds thereof, for which the payment or deduction is being made.

(2) The 15-cent payment computed for restoration land shall be made to the owner of the land as of June 30, unless the land is rented for cash, in which case the payment shall be made to the cash tenant as of June 30.

(3) In computing the net payments and net deductions for acreage allotments and general crops, the deduction for (a) failure to prevent wind and water erosion, (b) cropping restoration land, (c) breaking out of native sod, and (d) any net deduction computed for failure to reach the soil-building goal, shall be regarded as a deduction for general crops.

**B. Soil-Building Practice Payments.** The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bears to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is**

carried out will in no case be considered as a contribution to the carrying out of such practice.

**C. Proration of Net Deductions.** If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

## Section 12. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in Small Payments.** The total payment computed under sections 1 to 11 inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.00. .

<sup>2</sup> No increase.

**B. Payments Limited to \$10,000.** The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and ranching units located in Texas, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions Incurred on Other Farms.** (1) The net deduction computed for any landlord or tenant under sections 1 to 9, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for Association Expenses.** There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment Restricted to Effectuation of the Purposes of the Program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out restoration land measures and soil-building practices, shall be computed for any farm which is not operated in 1940.

(3) No payment will be made to any person with respect to any farm which such person owns or operates in any of the counties listed below, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind-erosion-control measures on land under his control to the extent that any part of such land has become a wind-erosion hazard in 1940 to the community in which such farm is located. The counties are as follows:

Andrews, Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dawson, Donley, Ector, Floyd, Gaines, Gray, Hale, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Ochiltree, Parmer, Potter, Randall, Roberts, Swisher, Terry, Wheeler, Winkler, and Yoakum.

**F. Payment Computed and Made Without Regard to Claims.** Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such

payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority, as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess Cotton Acreage.** Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment determined for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment, provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment, provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Use of Soil-Conserving Crops for Market.** Payment will not be made with respect to any farm in the counties listed below, unless on such farm in 1940 an acreage of cropland or restoration land equal to the smaller of the following is withheld from the production of soil-depleting crops and from the production of soil-conserving crops for market:

(1) The amount by which the normal acreage of soil-depleting crops on the farm exceeds the total soil-depleting acreage allotment for such farm, or

(2) the amount by which the normal acreage of soil-depleting crops on the farm exceeds the acreage devoted to soil-depleting crops on such farm in 1940;

provided, that payment shall not be denied any farmer for using soil-conserving crops for market, if, on the farm in question—

(a) the increase above normal in the number of dairy cows does not exceed two cows, or

(b) the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of cows, or

(c) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm.

The counties designated are as follows: Anderson, Austin, Bell, Brazoria, Brown, Burleson, Caldwell, Clay, Dawson, Denton, Eastland, Erath, Fannin, Fayette, Fort Bend, Gonzales, Grayson, Grimes, Hale, Hamilton, Haskell, Henderson, Hill, Hood, Hopkins, Hunt, Johnson, Jones, Karnes, Lavaca, Limestone, Marion, Morris, Panola, Rains, Red River, Runnels, Smith, Taylor, Van Zandt, Walker, Waller, Washington, Wharton, and Willacy.

**K. Materials Furnished to Carry Out Soil-Building Practices.** If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by

the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purposes for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

### Section 13. APPLICATION FOR PAYMENT

**A. Persons Eligible to File Applications.** An application for payment for a farm may be made by any person who, under the provisions of section 11, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land, or (3) the owner or cash tenant of a farm as of June 30, 1940, on which restoration land is designated.

**B. Time and Manner of Filing Application and Information Required.** Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for Other Farms.** If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for payment for all such farms which he operates or rents to other

persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

#### Section 14. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

#### Section 15. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in

the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon) or of the proceeds thereof, and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof, and in the case of rice also means a person furnishing water for a share of the rice.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes or will constitute, if such tillage is continued, a wind-erosion hazard to the community.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any shrubs or trees is such that the land could not be fairly considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, wheat, vegetable, peanut, or rice acreage allotments.

(10) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

#### Section 16. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rate of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

*J. W. Ruggan*

*Director, Southern Division.*

Issued December 7, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

TEXAS HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 2



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Texas (SRB-401-Tex.) is hereby further amended as follows:

Amendment 1

The last sentence of the first paragraph of section 7 A is revised as follows:

"Restoration land may be designated in the following counties: Carson, Gray, Hutchinson, Lipscomb, Ockiltree, Potter, Randall, and Roberts."

Amendment 2

Practice 10 under section 9 E is revised as follows:

"10. Contour listing of land in cultivation--  
6 acres, 1 unit (25 cents per acre)."

Amendment 3

Practice 12 under section 9 E is revised as follows:

"12. Pit cultivation--8 acres, 1 unit (18-3/4 cents per acre)."

Amendment 4

Section 12 K is revised as follows:

"K. Materials Furnished to Carry Out Soil-Building Practices. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by AAA as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

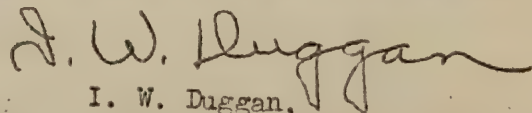
"Wherever such material is furnished, a deduction shall be made in an amount determined by the AAA on the basis approved by the Secretary. Such deduction shall be applied first to the payment

computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained.

"Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary, provided that the deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

"Notwithstanding any other provisions herein, if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided for under section 16, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm."

Issued December 7, 1940, with the approval of the Administrator.



I. W. Duggan,  
Director, Southern Division.

Issued June 26, 1940

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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

TEXAS HANDBOOK  
1940 AGRICULTURAL CONSERVATION PROGRAM

Supplement 1



Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Agricultural Conservation Program Handbook for Texas (SRB-401-Tex.) is hereby amended as follows:

Amendment 1

Section 2 B is amended to read as follows:

"B. Non-Wheat-Allotment Farm means (1) a farm for which a wheat allotment is determined and the persons having an interest in the wheat planted on the farm elect on or before October 1, 1939, in Bailey, Lamb, Hale, Floyd, Motley, Hall, and Childress counties, and all counties north of these (and February 20, 1940 in all other counties), or within 15 days after notice of the allotment is mailed to the operator, to have such farm considered as a non-wheat-allotment farm, or (2) a farm which is owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes."

Amendment 2

Section 4 D is amended to read as follows:

"D. Peanuts for Market means all peanuts harvested for nuts on any farm on which any peanuts are separated from the vines by mechanical means and sold to persons not living on the farm."

Amendment 3

Section 5 D is amended to read as follows:

"D. Commercial Vegetables means the acreage of annual vegetables or truck crops

(including potatoes, sweetpotatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, sweet corn for canning, and in Cherokee County tomatoes for canning) of which the principal part of the production is sold to persons not living on the farm."

Amendment 4

Section 6 E is amended to read as follows:

"E. General Soil-Depleting Crops or General Crops means all crops listed in the definition of "soil-depleting acreage," except special crops for which a separate payment or deduction is computed for the farm and sugar beets for sugar; provided, that wheat on a non-wheat-allotment farm and vegetables on a non-vegetable-allotment farm in a commercial vegetable county shall always be regarded as general crops for the purpose of determining the division of the net payment or net deduction computed with respect to general crops."

Amendment 5

The proviso in the first paragraph of section 7 A is amended to read as follows:

"provided, that (except for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes) new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm."

Amendment 6

Practice 28 under section 9 E is amended to read as follows:

"28. Planting forest trees (including shrubs in protective plantings)--1/5 acre, 1 unit (\$7.50 per acre).

(1) The planting of forest trees is recommended on old fields and on other areas on which there are insufficient seed trees present to reseed naturally

the area to desirable species of forest trees; (2) when planting in plowed furrows the plowing should be done along contours. Preparation of site otherwise unnecessary, except where there is a heavy covering of brush which would seriously compete with, or render unsuccessful, any attempt to establish a stand of forest trees. In such cases the brush should be grubbed from 2-foot square spots where each tree is to be planted; (3) spacing of planted trees, in the Pine-Hardwood and Post Oak-Hardwood regions: A semi-regular 6 x 8 foot spacing, or approximately 1,000 trees per acre for pines and an 8 x 8 foot spacing, or approximately 700 trees per acre for most hardwoods will give an adequate stand with a survival at the time performance is checked of 65%. In the Western Texas Region: 350 living trees per acre for wind-breaks or woodlots at compliance time are considered a satisfactory stand. To be certain of obtaining this stand, it is advisable to plant approximately 450 trees per acre, a spacing of not less than 10 x 10 feet. (4) Species recommended for planting:

(a) In the Pine-Hardwood Region (Red River, Franklin, Wood, Smith, Henderson, Anderson, Houston, Walker, Grimes, Montgomery, Harris, and Chambers counties, and all counties lying east of these counties): Shortleaf, loblolly, longleaf and slash pines, black locust, Osage-orange, white and red oak, mulberry, shagbark or white hickory, white ash, black walnut, magnolia, sweetgum, and catalpa.

(b) In the Post Oak-Hardwood Region (Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Neuces, and Kleberg counties, and all counties lying east of these counties, except those included in the Pine-Hardwood Region): Post oak, honeylocust, cottonwood, black walnut, Osage-orange, catalpa, Arizona cypress, one-seeded juniper, American elm, Chinese elm, sycamore, and tamarix.

(c) In the Western Texas Region (all counties west of those counties included in the Post Oak-Hardwood Region): American elm, black locust, black and western walnut, bur oak, catalpa, juniper, Chinese elm, coffee tree, colutea, cottonwood, desert willow, green ash, hackberry, honeylocust, jujube, lilac, mulberry, Osage-orange, persimmon, western yellow and Scotch pines, Russian olive, tamarix, vitex, wild plum.

Maintaining a good stand by replanting will not qualify under this practice but may qualify under practice 29. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice. No credit for reaching the goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into in connection with the Prairie States Forestry Project."

Amendment 7

Section 12 G is amended to read as follows:

"G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1930 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection G is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has

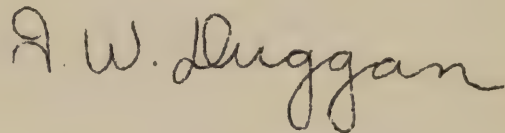
been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Amendment 8

Section 12 is amended by adding subsection L, as follows:

"L. Deductions in Case of Erroneous Notice of Acreage Allotment. Notwithstanding the deduction provisions of sections 1 to 8, inclusive, in any case where, through error in a county or State office, the producer was officially notified in writing of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Issued June 26, 1940, with the approval of the Acting Administrator.



I. W. Duggan,  
Director, Southern Division.



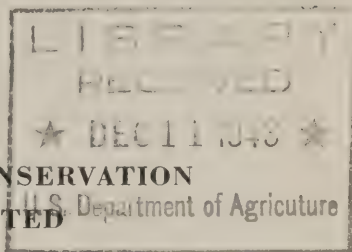
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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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**HANDBOOK**

**SPECIAL 1940 AGRICULTURAL CONSERVATION  
PROGRAM FOR DESIGNATED  
TEXAS COUNTIES**



[Applicable only in Dallam, Deaf Smith, Hansford, Hartley,  
Moore, Oldham, and Sherman Counties, Texas, for the program  
year January 1, 1940, to November 30, 1940.]



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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## FOREWORD

The Special 1940 Agricultural Conservation Program for designated Texas counties is a continuation of the special program inaugurated on an experimental basis in Sherman County, Tex., in 1939, for the purpose of giving greater consideration to special wind-erosion problems of the area than could be given under the regular regional agricultural conservation program.

A survey of the 1939 Sherman County program indicates the following important results:

1. More effective and higher quality of soil-building practices carried out.
2. Increase in acreage on which soil-building practices were carried out.
3. Increased participation by farmers.
4. Larger acreage of border planting and strip-cropping.
5. Farmers had an increased feeling of pride in their program.
6. Simplicity of program resulted in successful educational work.

The Special 1940 Agricultural Conservation Program for designated Texas counties provides a medium through which farmers may unite in carrying out well-balanced practices applicable to their individual farms and resulting to a large measure in the successful control of common major erosion problems of the entire area.

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# **SPECIAL 1940 AGRICULTURAL CONSERVATION PROGRAM FOR DESIGNATED TEXAS COUNTIES**

[Applicable only in Dallam, Deaf Smith, Hansford, Hartley, Moore, Oldham, and Sherman Counties, Tex., for the program year January 1, 1940, to November 30, 1940]

Payments and grants of aid will be made for participation in the Special 1940 Agricultural Conservation Program (hereinafter referred to as the 1940 program), in accordance with the provisions of this handbook and such modifications thereof as may hereafter be made.

## **Section 1.—FARM ACREAGE ALLOTMENTS, RESTORATION LAND, AND GOALS**

The county committee, with the assistance of other local committees in the county, shall determine farm allotments, restoration land, and soil-building goals, in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration (hereinafter referred to as the A. A. A.). The soil-depleting allotments determined for all farms in the county shall not exceed the county allotments established for the county by the A. A. A., and the sum of the allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county allotments.

### **A. SOIL-DEPLETING ALLOTMENTS**

(1) **Wheat allotment.**—Acreage allotments of wheat shall be determined for farms on which wheat has been planted for harvest in one or more of the years 1937, 1938, and 1939, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat allotment shall be apportioned to farms in the county on which wheat was not planted for harvest in any one of the three years 1937, 1938, and 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of the tillable acreage, crop-rotation practices, type of soil, and topography. The wheat allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. In no event shall a wheat allotment be determined for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or wind-erosion-control purposes.

(a) **Acreage planted to wheat** means (1) any acreage seeded to wheat (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a

crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after May 1, 1940; and (3) any acreage seeded to a mixture containing wheat designated under item (1) above but the crops other than wheat fail to reach maturity and the wheat reaches maturity.

(2) **Total soil-depleting allotment.**—The total soil-depleting allotment for any farm shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special-crop allotments determined for the farm. The total soil-depleting allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

## B. RESTORATION LAND

Restoration land shall be designated by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the A. A. A., on the basis of the land in the farm which was designated as restoration land under the 1938 or 1939 program, and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored: *Provided*, That new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. The county committee shall designate practices to be carried out on restoration land determined to be in need of additional practices. Land formerly designated as restoration land may, if such land was improperly designated, be restored to its former cropland status, with the approval of the State committee, when offset by an equal acreage of land in the county which is properly designated for 1940 as restoration land.

## C. SOIL-BUILDING GOAL

The soil-building goal for any farm shall be one soil-building practice unit for:

- (a) Each acre of cropland.
- (b) Each acre of restoration land.
- (c) Each 10 acres of noncrop open pasture land in the farm.

The county committee shall determine which of the approved practices listed in section 5 of this handbook, and the number of units of each such practice that shall count toward meeting the soil-building goal for the farm.

## Section 2.—MAXIMUM FARM PAYMENT

The average rate of payment for the farms (referred to herein as the county rate) within each county shall be as follows: Dallam, 68 cents; Deaf Smith, 71 cents; Hansford, 72 cents; Hartley, 68 cents; Moore, 75 cents; Oldham, 69 cents; and Sherman, 71 cents. The maximum payment that may be made with respect to any farm in the county shall be the county rate, adjusted for the productivity of the farm, multiplied by the sum of the following: (i) The acreage of cropland, (ii) the acreage of restoration land, and (iii) one-tenth of the acreage of noncrop open pasture land on the farm.

### Section 3.—PRODUCTIVITY INDEXES

A productivity index shall be established for each farm by the county committee, with the assistance of other local committees and with the approval of the State committee. Such productivity index shall be based upon the normal yield of wheat per acre for the farm as compared with the normal yield of wheat per acre in the county. Where the normal yield of wheat does not accurately reflect the productivity of a farm, the yield of grain sorghums or any other crop, or any farming practice adopted during the year, that reflects the productivity of the farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity.

The average productivity index for all farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the A. A. A.

### Section 4.—SOIL-DEPLETING ACREAGES

Soil-depleting acreage means the acreage of land devoted during the 1940 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted) :

- (1) Corn planted for any purpose, except roasting-ear corn or popcorn grown in a home garden for use on the farm.
- (2) Grain sorghums planted for any purpose.
- (3) Broomcorn planted for any purpose.
- (4) Wheat planted (or regarded as planted) for any purpose.
- (5) Oats, barley, rye, or mixtures of these crops, harvested for grain.
- (6) Sudan grass, sweet sorghums, or millet, harvested for grain, seed, or sirup.
- (7) Land summer-fallowed and not protected from wind and water erosion by methods approved by the State committee.
- (8) Annual truck and vegetable crops planted for any purpose, except when grown in a home garden for use on the farm.

### Section 5.—SOIL-BUILDING PRACTICES

If approved by the county committee for the farm, the soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal, when carried out in 1940 in accordance with specifications, if any, issued by the Director of the Southern Division, and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, and materials furnished entirely by any State or Federal agency other than the A. A. A. shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the A. A. A. and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than one-half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

Wind-erosion-control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on a farm owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or wind-erosion-control purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

### SCHEDULE OF SOIL-BUILDING PRACTICES

The soil-building practices in the following schedule will count toward the achievement of the soil-building goal, if carried out in a workmanlike manner in accordance with good farming practice for the locality and in accordance with the specifications shown in connection with each practice. Credit shall not be given for carrying out more than one of such practices on the same acreage.

#### A. Each acre of the following shall be counted as 1 unit:

(1) Leaving on the land as a protection against wind erosion the stalks (at least 8 inches in height) of sorghums or Sudan grass listed in rows not over 44 inches wide or drilled, or a good turf of Sudan grass, sorghums or millet drilled with spacing not over 14 inches, approved by the county committee, if the operator's farming plan provides that such cover will be left on the land until the spring of 1941.

(2) Contour listing or pit cultivation, or contour cultivation with a furrowing or shovel-type implement approved by the county committee: (i) On summer-fallow land provided that such practice is carried out in an approved manner before June 15, 1940, or (ii) on small-grain stubble or for the protection of cropland from wind erosion following crop failure.

(a) Contour listing the furrows shall be made with a regular double mold-board lister or with a chisel of approved design, or other implements accomplishing the same results according to specifications given herein:

The furrows shall not be more than 4 feet nor less than 8 inches wide and 4 inches deep, or if with a chisel, furrows not less than 4 inches wide and 8 inches deep.

The furrowing shall be done with the contour of the land, following guide lines established at not to exceed twice the terrace interval specified in practice 8, or following terraces.

(b) Pit cultivation must be done with an approved basin lister which will dam the lister furrows at regular intervals or with another implement accomplishing similar results. The furrows are not to be more than 4 feet nor less than 20 inches apart and not less than 4 inches deep and the pits or basins must occupy at least 25 percent of the land.

(c) Contour cultivation must follow guide lines established with a standard farm level or surveyor's instrument at not to exceed twice the terrace interval specified in practice 8 or must follow established terraces or rows established on the contour.

(3) Contour farming of intertilled crops. This practice consists of the planting and cultivation of row crops following the contour as determined by a farm level or surveyor's instrument, or following established terraces.

(4) Natural vegetative cover (of native grasses and weeds of proper growth to prevent erosion) or small grain stubble of crops harvested in 1940 and left on cropland, where it is determined by the county committee that such cover will be left on the land until the spring of 1941.

(5) Contour seeding of small grains if sufficient growth is obtained to control wind erosion.

#### B. Each acre of the following shall be counted as 2 units:

(6) Border planting of Sudan grass, sorghums, or millet, the stalks (at least 8 inches in height) to be left on the land until the spring of 1941; the border to

be not less than 100 feet wide on four sides of the field unless a fewer number of sides of the field is approved by the county committee and

(7) Stripcropping, consisting of alternating strips of sorghums, Sudan grass, small grains, or fallow, such strips to be not less than 2 rods wide. Credit will be given for strips of crops if protecting fallow, and only for the sorghum or Sudan grass strips, if for protection of wheat.

**C. Each of the following shall count as 1 unit:**

(8) Terracing 2 chains (132 ft.). Terraces to be approved for payment:

(a) Must not exceed a fall of 4 inches per 100 feet along the terrace line (level terraces preferred where adaptable, particularly on land having very little slope in low rainfall areas).

(b) Must have fills in terrace line across gullies built up to normal level for the terrace ridge.

(c) Must equal or exceed the height and width specifications and must not be spaced further apart than the maximum widths indicated in the following table.

(d) The outlet ends of all terrace channels shall be protected by means of sodded channels, rock rip-rap, or other mechanical devices to prevent erosion of the terrace channel. Any terraces which are not properly protected will not be accepted under this practice.

Slope of land in feet per 100 feet <sup>1</sup>	Minimum height, top of terrace above upper channel		Minimum width from low point in terrace to center top of terrace <sup>2</sup>		Recommended average distance between terraces <sup>3</sup>
	New terrace before ledges are plowed in	Plowed-in settled terrace	New terrace before ledges are plowed in	Plowed-in settled terrace	
	Inches	Inches	Feet	Feet	Feet
½ or less	15	10	11	9	210
1	16	11	11	9	150
2	18	12	10	8	100
3	18	12	10	8	83
4	19	12½	10	8	75
5	19	12½	9	7	70
6	20	13	9	7	67
7	20	13	9	7	64
8 or more	21	14	8	6	62

<sup>1</sup> Over ½ foot in vertical fall will be considered as 1 foot. Maximum slope on which terraces will be approved will be determined by the State committee.

<sup>2</sup> On slopes in excess of 3 percent, the minimum width specification may be disregarded, provided the area of the cross section of the terrace equals or exceeds that of a terrace constructed in accordance with minimum width specifications. The width of the lower side of terrace shall, in all cases, be at least two-thirds the width of the upper side of terrace, as indicated.

<sup>3</sup> This recommended average distance, which is the horizontal spacing between terraces, must not be exceeded by more than 30 percent.

**D. Each of the following shall be counted as 1 unit, provided credit for such practices shall not exceed the amount of the soil-building goal computed for the noncrop open pasture land for the farm:**

(9) Deferred grazing of 7 acres pasture land. The period for deferred grazing shall be considered to be 5 months (150 days) beginning on June 1.

The area deferred from grazing must be kept free of livestock during the deferred grazing period. The range land not in the deferred grazing area must not be pastured to such an extent as will decrease the stand of grass.

(10) Contour listing, chiseling, or furrowing 1 acre of pasture land.

The furrow channels must be not less than 8 inches wide and 4 inches deep and not less than 3 feet apart, or if subsoiled (chiseled) not less than 3 inches wide and 6 inches deep. If the furrows are 8¼ feet (½ rod) or less apart the actual acreage of land furrowed will count under this practice. If furrows are over 8¼ feet apart, the acreage of the practice will be computed on the basis of the acreage occupied by the furrows, each furrow being con-

sidered to occupy a strip  $8\frac{1}{4}$  feet wide. Guide lines for lister furrows must be set up at one-half the terrace interval specified in practice 8.

- (11) Seven cubic yards of earth moved in the construction of reservoirs and dams.

Before a reservoir or dam is constructed under this practice, it must be determined by the county committee that such reservoir or dam will be an efficient means of preventing erosion.

The site for the reservoir or dam shall be inspected and if the dam to be constructed will be 8 feet or more in height or will consist of approximately 300 cubic yards or more of earth, or in all cases where the surface of the ground on which the dam is to be built is extremely irregular, a preliminary survey shall be made before construction is started. At least one bench mark shall be established far enough from the dam so that it will not be disturbed during construction. All measurements and elevation readings shall be made from this reference point. Along the lengthwise contour line of the dam a minimum of three stakes shall be set, one at either end of the proposed dam and one at the lowest point of the stream bed. Additional stakes shall be set at all points where there is a break in the slope of the land. The location and elevation of each stake with reference to the established bench mark shall be properly measured and recorded. If the surface of the ground on which the dam is to be built is irregular, additional stakes should be set along the outline of the base at right angles to the lengthwise center line and spaced so that they will be in line with the main center-line stakes. The location and elevation of these stakes must likewise be recorded.

To reduce seepage, a trench at least 4 feet wide shall be dug along the center line of the dam deep enough to reach a reasonably impervious subsoil. This trench should be filled with the most impervious soil readily available at or near the dam site and should form the base of a core of this same material which should be carried to a height equal to the normal water level in the completed dam. Where it is thought desirable, the entire base of the dam should be scarified to insure better bonding of the fill with the base of the dam. Where dams are built across gullies with steep banks, these banks should be sloped to form a trench for better bonding with the fill.

To be eligible for approval, dams, and spillways shall be adequate. No dam shall be approved unless the top is at least 3 feet wide and is at least 3 feet higher than the floor of the spillway. The downstream slope of the dam should not be less than 1:1 but need not be greater than 2:1 regardless of the size and height of the dam. Upstream slopes on small dams (7 feet high or less) may be  $1\frac{1}{2}$ :1 but should be at least 5:1 on large dams or where there will be considerable wave action. The top width of the dam will be increased in accordance with the height of the dam, the size of the drainage area, the capacity of the spillway, and other local conditions. For dams 10 feet in height, the top must have a minimum width of 5 feet.

The cross-sectional area of the spillway shall be at least twice the cross-sectional area of the stream at its highest flood stage in the past. The top of the dam shall be not less than 3 feet above the floor of the spillway and this distance shall be increased sufficiently to insure water not running over the dam during floods. Unless the spillway is naturally protected from damaging erosion such protection must be provided. The end of the dam shall be riprapped if it forms a part of the spillway.

Earth used in the construction of the dam or excavated in the spillway (unless such excavated earth is used in the dam) shall be measured and its volume computed. The completed dam shall not be approved unless it is considered adequate and has adequate spillway facilities. The gross volume of earth used in the construction of the dam shall be reduced by 10 percent to compensate for shrinkage and settling before being certified for payment.

Further helpful information regarding the construction of reservoirs and dams may be found in Texas Extension Circular No. MS-355.

- (12) Eradication of 1 acre prickly pear of heavy infestation above 12 percent. Payment will be based on the percentage of ground infested where infestation is less than 12 percent.

- (13) Mowing of 4 acres of undesirable weeds and shrubs: *Provided*, That payment will not be made if plants mowed are used for hay or sold for any purpose. Payment will not be made for mowing a greater number of times than the county committee with the approval of the State committee finds is necessary for destruction of the noxious plants.

## Section 6.—NET FARM PAYMENT OR DEDUCTION

The net payment or net deduction computed for any farm in the county shall be the maximum farm payment less the sum of the following:

### A. DEDUCTIONS FOR EXCESS ACREAGE OF SOIL-DEPLETING CROPS

(1) **Wheat.**—50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of the wheat acreage allotment.

(2) **Total soil-depleting acreage.**—\$4, adjusted for the productivity of the farm, for each acre of soil-depleting crops in excess of the total soil-depleting acreage allotment, less the acreage for which deduction is made for exceeding the wheat acreage allotment.

### B. FAILURE TO CARRY OUT SOIL-BUILDING PRACTICES

The county rate, adjusted for the productivity of the farm, for each unit by which the soil-building goal is not reached.

### C. CROPPING RESTORATION LAND

Three dollars for each acre of restoration land which is plowed or tilled in 1940 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations in connection with the seeding of an approved nondepleting cover crop or permanent grass mixture, unless the breaking of such land is approved by the county committee as a good farming practice and is matched acre for acre by new restoration land elsewhere in the county. With the approval of the State committee, land improperly designated as restoration land under the 1938 or 1939 program may be restored to its former cropland status when offset by an equal acreage of land in the county which is properly designated in 1940 as restoration land.

### D. BREAKING OUT NATIVE SOD

Three dollars for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out during the period November 1, 1939, to October 31, 1940, inclusive, less the acreage of such land broken out with the approval of the county committee as a good farming practice, for which an equal acreage of cropland is restored to permanent vegetative cover on any farm in the county.

## Section 7.—DIVISION OF PAYMENTS AND DEDUCTIONS

The net payment or net deduction computed with respect to any farm shall be divided between the landlord and tenant in proportion to the extent to which such landlord and tenant contributed to the carrying out of soil-building practices on the farm. The tenant shall be deemed to have contributed 80 percent and the landlord 20 percent to the carrying out of soil-building practices on the farm, unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were different from such respective percentages, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that each

such person contributed to the carrying out of soil-building practices on the farm. On any farm where there is more than one landlord the contribution of each landlord to the carrying out of the soil-building practices shall be deemed to be in proportion to the contribution made by each such landlord to the total soil-depleting acreage allotment determined for the farm, unless such landlord establishes to the satisfaction of the county committee that his respective contribution to carrying out the practices was different from such respective percentage, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that such landlord contributed to the carrying out of soil-building practices on the farm.

## Section 8.—GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

### A. INCREASES IN SMALL PAYMENTS

The total payment computed for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	( <sup>1</sup> )
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

## **B. PAYMENTS LIMITED TO \$10,000**

The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and ranching units located in Texas shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned, if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

## **C. DEDUCTIONS INCURRED ON OTHER FARMS**

(1) If the deductions computed for any farm in the county exceed the payment computed for such farm, the net deduction computed for any landlord or tenant on such farm shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) If the deductions computed for a landlord or tenant for one or more farms in the county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for the landlord or tenant for performance on any other farms in Texas, if the State committee finds that the crops grown and practices adopted on the farm for which such deductions are computed substantially offset the contribution to the program made on such other farms.

## **D. DEDUCTIONS FOR ASSOCIATION EXPENSES**

There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

## **E. PAYMENT RESTRICTED TO EFFECTUATION OF PURPOSE OF THE PROGRAM**

(1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (i) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, or (ii) if, by means

of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized.

(2) No payment will be made to any person with respect to any farm which such person owns or operates in the county, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind-erosion-control measures on land under his control, to the extent that any part of such land has become a wind-erosion hazard in 1940 to the community in which such farm is located.

#### **F. EXCESS COTTON ACREAGE**

Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1940, on land in any farm in which he has an interest, in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment whatsoever on that farm or any other farm under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

#### **G. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS**

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection I of this section 8 and indebtedness to the United States subject to set-off orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

#### **H. CHANGES IN LEASING AND CROPPING AGREEMENTS, REDUCTION IN NUMBER OF TENANTS, AND OTHER DEVICES**

If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord and the tenants that would cause a greater proportion of the payments to

be made to the landlord under the 1940 program than would have been made to him under the 1939 program, payments to the landlord under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

#### I. ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the A. A. A., and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the A. A. A.

Nothing contained in this subsection I shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. As provided by statute, neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

### Section 9.—APPLICATION FOR PAYMENT

#### A. PERSONS ELIGIBLE TO FILE APPLICATIONS

An application for payment for a farm may be made by any person who, under the provisions of section 7, shares in the payment which may be computed for any farm and (i) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (ii) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

## B. TIME AND MANNER OF FILING APPLICATION AND INFORMATION REQUIRED

Payment will be made only upon application submitted through the county office by March 31, 1941. The Secretary reserves the right (i) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (ii) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of the county committee and making copies of the same available to the press.

## C. APPLICATION FOR OTHER FARMS

If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must make application for payment on all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

## Section 10.—APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters respecting any farm in the operation of which he has an interest as landlord or tenant: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm.

The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may appeal in writing to the State committee within 15 days after such decision is forwarded to or made available to him. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord or tenant, having an interest in the operation of the farm, may be adversely affected by such decision. Only a

person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord or tenant, having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

### Section 11.—DEFINITIONS

For the purposes of the 1940 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Director of the Southern Division** means the Director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1940 Agricultural Conservation Program in the Southern Region.

**Southern Region** means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

**State committee** means the group of persons designated to assist in the administration of the 1940 Agricultural Conservation Program in Texas.

**County committee** means the group of persons elected within the county to assist in the administration of the 1940 program.

**Person** means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord** means a person who owns land and rents such land to another person or operates such land.

**Tenant** means a person who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the A. A. A., determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Cropland** means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community.

**Restoration land** means farm land which is subject to serious wind erosion and is unsuited to continued production of cultivated crops, which are cropped at least once since January 1, 1930, and which is

designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

**Noncrop open pasture** means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**General soil-depleting crops** means all soil-depleting crops grown in the county other than wheat planted.

## **Section 12.—AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY**

(1) Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1940, payments and grants of aid will be made for participation in the Special 1940 Agricultural Conservation Program (herein referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

(2) The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made under the Special 1940 Agricultural Conservation Program, and the extent of participation therein. **As an adjustment for participation, the rates of payment and deduction specified herein may be increased or decreased by as much as 10 percent.**

(3) The provisions of the Special 1940 Agricultural Conservation Program (except sec. 8 (b)) are not applicable to (1) counties other than Dallas, Deaf Smith, Hansford, Hartley, Moore, Oldham, and Sherman, and (2) land in which the beneficial ownership is in the United States.

Issued February 28, 1940, with the approval of the Administrator.

I. W. DUGGAN,  
*Director, Southern Division.*

SRB-401-Special Counties, Texas  
Supp. 1

Issued June 27, 1940.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

1940 SPECIAL AGRICULTURAL CONSERVATION PROGRAM  
HANDBOOK FOR DESIGNATED TEXAS COUNTIES

Supplement 1

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, as amended, and the authority vested thereby in the Agricultural Adjustment Administration, the 1940 Special Agricultural Conservation Program Handbook for Designated Texas Counties (SRB-401-Special Counties, Texas) is hereby amended as follows:

Amendment 1

The proviso in section 1 B is amended to read as follows:

"Provided, That (except for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes) new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm."

Amendment 2

Practice (11) under section 5 is amended by changing "5:1" in the sixth line of the fourth paragraph to "3:1."

Amendment 3

Practice (13) under section 5 is amended by inserting the following parenthetical clause after the word "shrubs" in the first line:

"(applicable to non-crop open pasture land only)."

Amendment 4

Section 8 H is amended to read as follows:

"If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants



or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this subsection H is subject to approval or disapproval by the State committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Issued June 27, 1940, with the approval of the Administrator.

*I. W. Duggan*

I. W. Duggan,  
Director, Southern Division.